

## **ATTACHMENT J: AGENCY CONSULTATION FOR PROTECTED SPECIES**



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>



In Reply Refer To:

May 09, 2017

Consultation Code: 05E1ME00-2017-SLI-0579

Event Code: 05E1ME00-2017-E-01091

Project Name: Quebec Maine Interconnect

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: [http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html) Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

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<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:  
<http://www.towerkill.com>; and at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

# Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Consultation Code: 05E1ME00-2017-SLI-0579

Event Code: 05E1ME00-2017-E-01091

Project Name: Quebec Maine Interconnect

Project Type: TRANSMISSION LINE

Project Description: Proposed CMP transmission line from Beattie Township to Pownal and Windsor to Wiscasset.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/44.722717009714806N70.03484380339984W>



Counties: Androscoggin, ME | Cumberland, ME | Franklin, ME | Kennebec, ME | Lincoln, ME | Sagadahoc, ME | Somerset, ME

## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.

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## Mammals

NAME	STATUS
Canada Lynx ( <i>Lynx canadensis</i> ) Population: Contiguous U.S. DPS There is a <b>final critical habitat</b> designated for this species. Your location overlaps the designated critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> ) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Fishes

NAME	STATUS
Atlantic Salmon ( <i>Salmo salar</i> ) Population: Gulf of Maine DPS There is a <b>final critical habitat</b> designated for this species. Your location overlaps the designated critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2097">https://ecos.fws.gov/ecp/species/2097</a>	Endangered

## Flowering Plants

NAME	STATUS
Small Whorled Pogonia ( <i>Isotria medeoloides</i> ) No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

## Critical habitats

There are 2 critical habitats wholly or partially within your project area.

NAME	STATUS
Atlantic Salmon ( <i>Salmo salar</i> )	Final designated
Canada Lynx ( <i>Lynx canadensis</i> )	Final designated

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PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK  
COMMISSIONER

June 5, 2017

Lauren Johnston  
Burns & McDonnell  
27 Pearl Street  
Portland, ME 04101

**RE: Information Request - Quebec-Maine Interconnect Project**

Dear Lauren:

Per your request received May 10, 2017, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *Quebec-Maine Interconnect Project*. Note that as project details are lacking our comments are non-specific and should be considered preliminary. Finally, given the scale of this project (it intersects with multiple MDIFW Regions) we encourage you to continuously seek feedback from our Agency as your project develops.

Our Department has not mapped any Essential Habitats that would be directly affected by your project.

***Endangered, Threatened, and Special Concern Species***

**Bats**

Of the eight species of bats that occur in Maine, the three *Myotis* species are protected under Maine's Endangered Species Act (MESA) and are afforded special protection under 12 M.R.S §12801 - §12810. The three *Myotis* species include little brown bat (*M. lucifugus*, State Endangered); northern long-eared bat (*M. septentrionalis*, State Endangered); and eastern small-footed bat (*M. leibii*, State Threatened). The five remaining bat species are listed as Special Concern: big brown bat (*Eptesicus fuscus*); red bat (*Lasiurus borealis*), hoary bat (*Lasiurus cinereus*), silver-haired bat (*Lasionycteris noctivagans*), and tri-colored bat (*Perimyotis subflavus*).

While a comprehensive statewide inventory for bats has not been completed, it is likely that several of these species occur within the project area during migration and/or the breeding season. Generally, our Agency does not anticipate significant impacts to any of the bat species as a result of this project; however, ongoing MDIFW research is indicating that habitat features such as rocky features, outcrops, and talus slopes represent increased concerns for *Myotis* bats. As this project develops, please consult with MDIFW small mammal biologist Cory Mosby (207-941-4473) so that avoiding impacts to these rocky habitat features and/or possible acoustic monitoring are taken into consideration during project design.

Finally, we recommend that you contact the U.S. Fish and Wildlife Service--Maine Fish and Wildlife Complex (Wende Mahaney, 207-902-1569) for further guidance, as the northern long-eared bat is also listed as a Threatened Species under the Federal Endangered Species Act.

#### Northern bog lemming

Our Agency's traditional view of northern bog lemmings, a State Threatened Species under MESA, is that they typically occur in moist, wet meadows or boggy areas, often in conjunction with arctic or alpine tundra and spruce-fir forests at elevations >2,700 feet. However, new encounters from northern Maine have changed our understanding of the distribution and habitat requirements of the species. Those data indicate lush sphagnum peatlands at almost any elevation are sometimes used. In addition, research in New Brunswick indicates that northern bog lemming may not only be restricted to wetlands with sphagnum mats; northern bog lemmings have been found in New Brunswick associated with riparian areas with no sphagnum present. Based on this information the species may be found in Maine at any riparian area with abundant streamside herbaceous vegetation at elevations around 1,000 feet.

As your project continues to undergo design, please consult with MDIFW small mammal biologist Cory Mosby (207-941-4473) for site-specific planning and the need for possible surveys for this species in the northern segment of your project.

#### Rare mussels

Several species of rare mussels have been documented along the proposed transmission line corridor including the brook floater (State Threatened); the yellow lampmussel (State Threatened); the tidewater mucket (State Threatened); and the creeper (Special Concern). These rare animals have experienced significant declines throughout their ranges, with many populations being extirpated due to low population densities, fragmented distributions, and limited or no evidence of recruitment. Because they require clean, free-flowing riverine habitat, they are especially vulnerable to impacts from pollution, sedimentation, dams, and surrounding land use practices that degrade or alter its aquatic habitat. As riparian clearing or construction, including stream crossings, are presumably being considered as part of this project we recommend that riparian buffers remain intact to at least 100-foot wide in rare mussel-bearing water courses. Within these 100-foot buffers we further recommend that:

- only capable species >8-10 feet tall would be cut (i.e., no other vegetation is cut);
- herbicide use would not be allowed;
- avoid and minimize pole placement;
- prohibit equipment in the stream channels (i.e., must cross on temporary bridges)

Please contact Beth Swartz in our Bangor office (207-941-4476) to discuss project details and the potential need for possible surveys for these species.

#### Roaring Brook Mayfly

Roaring Brook mayfly, a State-listed Threatened Species, is known to be in the northern portions of the project area. Any instream work in unmapped perennial or intermittent streams has the potential to

impact this species. They can occur in high elevation, perennial headwater streams draining off forested (hardwood or mixed) slopes at or above 1,000 feet (including unmapped streams) within or adjacent to the currently documented range (northern Appalachian Mountain Range, stretching from Mt. Katahdin to western border with New Hampshire and Quebec). Please contact Beth Swartz in our Bangor office (207-941-4476) to discuss project details and the potential need for possible surveys for these species.

#### Northern Spring Salamander

Northern spring salamanders, a State-listed Species of Special Concern, are known to be in the northern portions of the project area. Any instream work in unmapped perennial or intermittent streams has the potential to impact this species (i.e., high elevation headwater streams) but they are also found in larger third order streams and rivers with suitable substrate (large cobble and/or gravel bars) within the documented range of primarily the western Maine mountains north and east into mountains of central Penobscot County. Please contact Beth Swartz in our Bangor office (207-941-4476) to discuss project details and the potential need for possible surveys for these species.

#### Canada lynx

Canada lynx are listed as a Species of Special Concern in Maine and are known to be in the northern portions of the project area. As Canada lynx are listed as a Threatened species under the Federal Endangered Species Act, MDIFW will defer recommendations to the U.S. Fish and Wildlife Service.

#### Bicknell's thrush

Portions of the northern project search area intersect with occurrences of Bicknell's Thrush, a Species of Special Concern. Bicknell's thrush can be found in sub-alpine forests usually dominated by balsam fir and red spruce at elevations around 2,700 feet that typically have a history of disturbance resulting in a stunted dense understory. Because breeding individuals are known to abandon their nests as a result of even the most miniscule disturbance, please consult wildlife biologist Adrienne Leppold (207- 941-4482) with the Bird Group at our Bangor Headquarters for site-specific planning and the need for possible surveys for this species in the northern segment of your project.

#### Rusty blackbird

Portions of the northern project search area intersect with occurrences of rusty blackbird, a Species of Special Concern. Please consult with wildlife biologist Adrienne Leppold (207- 941-4482) with the Bird Group at our Bangor Headquarters for site-specific planning and the need for possible surveys for this species in the northern segment of your project.

#### Great Blue Herons

The great blue heron is a State Species of Special Concern due to a 64% decline in the coastal breeding population observed from 1983 to 2009. Since 2009, MDIFW has been monitoring the statewide population to determine if the decline seen along the coast is also occurring statewide. Not all great blue heron colonies have been mapped in Maine; therefore, please contact wildlife biologist Danielle D'Auria

(207- 941-4478) with the Bird Group at our Bangor Headquarters for further guidance as well as the need for possible surveys along the length of your project.

### Bald Eagle/Raptors

Bald eagles are federally protected by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lacey Act under the U.S. Fish and Wildlife Service (USFWS). The USFWS has management authority over eagles; therefore, we recommend that you contact the USFWS Maine Fish and Wildlife Complex at (207) 469-7300 for guidance to avoid or minimize impacts to this species. However, MDIFW staff works closely with the USFWS on the protection of this species, as well as for the protection of raptors in general. Therefore, we recommend that you contact MDIFW raptor specialist Erynn Call (207-941-4481) for further guidance to minimize potential impacts to these species.

### Wood turtle

Occurrences of wood turtle, a State Species of Special Concern, have been documented within the search area of the proposed project. Wood turtles use a mix of aquatic and terrestrial habitats throughout the year including meadows, shrub thickets, farmland, and deciduous forests as well as bogs, forested wetlands, vernal pools, and streams. Generally this species appears to prefer edge-associated terrestrial habitats as riparian areas and forest-opening edges have dense shrubbery or ground cover for protection and food, and provide open areas for basking to regulate their body temperature. We recommend that you contact wildlife biologist Derek Yorks (207- 941-4475) with our Reptile, Amphibian, and Invertebrate Group for any site-specific data for your project, as well as the need for possible surveys for this species.

### Other Rare Invertebrate Species

Given the various locations and scale of the project other rare species of invertebrates, including the scarlet bluet butterfly and possible rare dragonfly species, could found within the project area. Please contact wildlife biologist Phillip deMaynadier (207- 941-4239) with our Reptile, Amphibian, and Invertebrate Group to discuss project details and the potential need for possible surveys for these species.

### American eel

Many of the ponds and streams in the project area contain American eel, which are a Species of Special Concern in Maine. In general, the preferred instream work window of July 15 through October 1 along with construction Best Management Practices should minimize impacts to the species.

### ***Significant Wildlife Habitat***

#### Deer Wintering Areas

Several mapped Deer Winter Areas (DWAs) occur within the project review study area. DWAs contain habitat cover components that provide conditions where deer find protection from deep snow and cold

wind which is important for overwinter survival. MDIFW recommends that development projects be designed to avoid losses or impacts to the continued availability of coniferous winter shelter. Any removal of vegetation should be conducted in such a way that improves the quality and vigor of the coniferous species providing this winter shelter. Particularly in the northwestern segment of the project, any clearing within the project area corridor could severely limit deer's ability to get across the right-of-way (ROW) to the other side of the DWA and could be a complete barrier during significant snow. MDIFW has explored avoidance in minimization efforts with various wind power applicants whose generation lines intersected with DWAs including full avoidance (altering the path of the proposed ROW), feathering of trees, and the use of much larger structures to span the DWAs, thus allowing vegetative cover and their value to remain intact. Throughout the design phase we recommend that you refer to the attached Recommended Performance Standards for Deer Wintering Areas in Overhead Utility ROW Projects (March 2012).

#### Inland Waterfowl and Wading Bird Habitats

This project intersects or appears to be immediately adjacent to several Inland Waterfowl and Wading Bird Habitats (IWWHs). These habitats provide important breeding, feeding, migration, staging, and wintering habitat for waterfowl and wading bird species. High and moderate value IWWHs within the study area includes both the wetland complex and a 250-foot upland zone. We recommend that these resources be avoided, including no clearing within the 250-foot undisturbed buffer from the wetland edge. Please contact our Agency for guidance to minimize the impacts to these important resources. Throughout the design phase we recommend that you refer to the attached Recommended Performance Standards for Inland Waterfowl and Wading Bird Habitats in Overhead Utility ROW Projects (March 2012).

#### Significant Vernal Pools

This project intersects with several mapped Significant Vernal Pools; however, a comprehensive statewide inventory for Significant Vernal Pools has not been completed. Surveys for vernal pools in the project boundary will need to be conducted prior to final project design to determine whether there are other Significant Vernal Pools present. Once surveys are completed, our Department will need to verify vernal pool data sheets prior to final determination of significance. Please contact Beth Swartz in our Bangor office (207-941-4476) to discuss project details and survey needs. Throughout the design phase we recommend that you refer to the attached Recommended Performance Standards for Maine's Significant Vernal Pools in Overhead Utility ROW Projects (March 2012).

#### ***Fisheries Habitat Concerns***

Most of the streams, rivers, and ponds within the project boundary support wild brook trout. MDIFW recommends that 100-foot riparian buffers be maintained along all waterbodies, including intermittent and ephemeral streams, within the project area. To be effective, these 100-foot buffers should be measured from the upland edge of stream or associated fringe and floodplain wetlands. Maintaining buffers along coldwater fisheries is critical to the protection of water temperatures, water quality, and inputs of coarse woody debris necessary to support conditions required by brook trout. Stream crossings should be avoided, but if a stream crossing is necessary it should be designed to provide adequate fish passage. Generally, MDIFW recommends that all new and replacement stream crossings, including

temporary crossings, be sized to span 1.2 times the bankfull width of the stream. In addition, we generally recommend that any permanent stream crossings be open bottomed (i.e. natural bottom), although embedded structures which are backfilled with representative streambed material have been shown to be effective in not only providing habitat connectivity for fish but also for other aquatic organisms. Construction Best Management Practices should be closely followed to avoid erosion, sedimentation, alteration of stream flow, and other impacts to stream habitat. In addition, we recommend that any necessary instream work occur between July 15 and October 1. Finally, throughout the design phase we recommend that you refer to the attached Recommended Performance Standards for Riparian Buffers in Overhead Utility ROW Projects (March 2012).

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in blue ink, appearing to read 'JPerry', with a stylized flourish at the end.

John Perry  
Environmental Review Coordinator

## MEMORANDUM OF CONVERSATION

### New England Clean Energy Connect (NECEC)

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**Contact:** Wende Mehaney and Mark McCollough  
**Title:** Biologists  
**Affiliation:** USFWS  
**Date:** June 6, 2017

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**Attendees:** Lauren Johnston, BMCD  
Wende Mehaney, USFWS  
Mark McCollough, USFWS

**Discussion:**

Lauren Johnston contacted Wende Mahaney and Mark McCollough in preparation for the Interagency Resource Consultation Meeting to be held on June 7, 2017. Lauren indicated the purpose of this discussion was how to best prepare for the upcoming meeting. Lauren stated that she created a table for all concern areas and species. She indicated that the meeting would likely be structured by going through each species for general discussion.

Wende and Mark provided a summary of what they would likely be discussing in the next day's meeting.

Mark discussed the following topics and details:

- Canada Lynx-
  - Federally listed but not state listed.
  - Want to look at effect that clearing will have on critical habitat.
  - We only have a few wind power projects to look at as examples.
  - Suggested that an analysis of different habitat types with in the corridor be conducted, specifically looking for spruce-fir, acreage, forest condition (young vs. old).
  -
- Small whorled pogonia
- Bald eagle

Wende discussed the following topics and details:

Northern Long-eared bat

- Atlantic Salmon

Mark discussed bumblebees.

- Rusty Patch bumblebee
- Yellow banded bumble bee

Vernal pools were generally discussed by the group.

MEETING MINUTES  
QMI Wildlife and Fisheries Consultation Meeting

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager - Burns & McDonnell  
**Date:** June 7, 2017  
**Time:** 9:00am-11:30am  
**Location:** CMP, Augusta

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**Attendees:**

Gerry Mirabile- CMP  
Adam Marquis-CMP  
Mark Goodwin- Burns & McDonnell  
Lauren Johnston- Burns & McDonnell  
Bob Stratton- MDIFW  
John Perry- MDIFW  
John McLaire- MDIFW  
Don Cameron- MNAP  
Jay Clement- USACE  
Mark McCollough- USFWS  
Wende Mahaney- USFWS

***Sign-in sheet and meeting agenda attached***

**Discussion:**

The meeting began with introductions. Department of Energy (DOE) representative has not been identified as of the date of this meeting. DOE will likely be the lead agency for Section 7 consultation, however that will be determined in the Presidential permit pre-submission meeting. Jay Clement has requested attendance to this meeting.

A summary of information received to date from the agencies was provided by Lauren Johnston (BMCD).

- USFWS has provided shapefile for bald eagle nest locations. Wende Mahaney (USFWS) stated that this project does not need follow the “step process” identified on the USFWS website or submit a “species summary table” since we will be making regular contact during the consultation process. Burns & McDonnell has obtained the Official Species List.
- MDIFW has provided a shapefile which contains: DWA, SVP buffers, riparian buffers, WWH, and RTE. Also received was an Information Request response letter (dated June 5, 2017) with enclosed Recommended Performance Standards for Riparian Buffers, SVPs, IWWH, and DWA (dated March 26, 2012).

- MNAP has provided a shapefile which contains botanical features documented within 1,000-feet of the QMI transmission line as well as a letter response (dated June 6, 2017).

Boyle Associates has completed delineation and field verification surveys for wetlands and vernal pools. GIS information for all delineations and verifications will be submitted. Data sheets will be submitted for all pools. MDIFW asked to BMCD to provide 2017 Resource Delineation Protocol (including previously mapped resources). MDIFW would like the data sheets submitted as soon as possible and noted that they can be submitted in smaller batches so they can begin review and determination of significance. MDIFW stated that vernal pool determinations will take the most time so getting started as soon as possible is beneficial.

Wildlife discussions were provided by each agency as follows:

### **USFWS: Mark McCollough and Wende Mehaney**

#### Canada Lynx

- Critical habitat (CH) includes the greenfield line from the Quebec border to a location near The Forks.
- Section 7 review area is broader than the CH area (two differently mapped areas). USFWS will provide a GIS shapefile for this.
- A biological assessment (BA) should be considered for the lynx (and all federally listed species in the project area). The federal agency is responsible for the BA however it is often applicant prepared.
- Likely no survey would be needed as lynx are presumed to be in the project area.
- There is existing survey information from MDIFW and it is recommended that we compile this. They have information regarding documented occurrences for the past few years. Contact Jen Vashon (MDIFW).
- The BA should include effects of clearing on CH. Should include total area cleared, how much spruce/fir habitat to be cleared, how much young vs old spruce/fir habitat to be cleared. There is a high population of snowshoe hare associated with young spruce/fir habitat.
- To determine presence of lynx habitat (ie young spruce/fir stands) we could obtain “stand maps” from landowners or complete a habitat analysis based on aerial photography images. USFWS can provide guidance and protocols for the desktop analysis.
- Scientific literature indicates that Canada Lynx are reluctant to cross 300-feet of cleared area. BMCD noted that the greenfield portion of transmission line will be cleared to a width of 150-feet and in collocated corridors, the width will not exceed 225-feet in most locations. BA should include some information regarding lynx movement and areas to be cleared.
- BA should include vegetation management standards and the conditions of the ROW post-construction.
- John Perry (MDIFW) will provide contact information for Jen Vashon who is the Lynx biologist at MDIFW. BMCD to contact Jen for survey data and recommendations.

- John Perry noted that MDIFW asked for track surveys during winter conditions for the Number 9 wind farm project.

### Eagles

- *Bald Eagles*
  - Bald eagles/golden eagles are protected by the Eagle Act. Setback is 660-feet from the bald eagle nest.
  - If CMP needs to pursue a Take Permit, it will take some time.
  - Last survey effort for bald eagles was in 2013.
  - GIS data provided by USFW has a buffer of 3-miles.
  - Eagles are most likely to be found within ¼ mile of a large wetland or waterbody.
  - Surveys will need to be conducted for the whole line but we should identify areas more likely to contain nest sites.
  - Marker balls are a minimization measure for areas near the eagle nests.
  - Contact Charlie Todd (MDIFW) for survey guidance.
  - Two surveys are recommended: one when the eagles are starting to nest and one when the chicks have hatched.
  - Prior to survey, we should draft a scope of work (SOW)/work plan and provide to USFWS for review.
  - Timing of the survey dates for will vary because of the range of the project. In the south the target date for surveys will be mid-March. In the north, the target date for surveys will be in April. A second survey should be conducted two months afterwards.
- Golden eagles
  - USFWS did not include golden eagle occurrences in GIS shapefile
  - Northern portion of the project has historic nest locations.
  - Look at MDIFW database for historic nest locations and contact Charlie Todd (MDIFW) for recommendations
  - Cliff faces may provide nest sites
  - Bob Stratton (MDIFW) indicated that one mapped golden eagle location on MDIFW is 5-miles from the project area.
  - No known nesting pairs in the state since 2001. There is one radio tagged eagle (currently deceased) with data that we may want to consider.
  - If peregrine falcons are present, eagles are often absent.

### Northern Long-eared bat

- Federally and state listed
- USFWS has streamlined consultation process which assumes presence.
- Streamlined consultations has no requirements for surveys (surveys are optional)
- If CMP decides to do surveys, USFWS can provide a survey protocol.
- MDIFW stated that clearing is generally not an issue and they also don't require surveys.

- John Perry (MDIFW) indicated that Cory Mosby (MDIFW Small mammal biologist) may have some heightened concern around any rocky features, talus slopes and we should discuss surveys and acoustic monitoring recommendations near any similar potential habitat areas..
- Mark Goodwin (BMCD) discussed modifying in corridor access and structure location to avoid habitat.
- Aerial imagery work to identify rocky features and talus slopes may be recommended in consultation.
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### ***Action Items:***

#### **BMCD follow up items:**

- Provide agencies a copy of 2017 Resource Delineation Protocol (including previously mapped resources)
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- Obtain shapefile for Lynx Section 7 review area from USFWS.
- Contact USFWS for BA outline.
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- BMCD to reach out to MDIFW for brook trout GIS layer.
- Is there a BPL intersect?
- Is there an intersect with the Coldwater parcel?

- Review invasive species plan and current invasive species list on USACE website.
- Evaluate the need for laydown areas and additional clearing needs.

MEETING MINUTES  
QMI Wildlife and Fisheries Consultation Meeting

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager - Burns & McDonnell  
**Date:** June 7, 2017  
**Time:** 9:00am-11:30am  
**Location:** CMP, Augusta

---

**Attendees:**

Gerry Mirabile- CMP  
Adam Marquis-CMP  
Mark Goodwin- Burns & McDonnell  
Lauren Johnston- Burns & McDonnell  
Bob Stratton- MDIFW  
John Perry- MDIFW  
John McLaire- MDIFW  
Don Cameron- MNAP  
Jay Clement- USACE  
Mark McCollough- USFWS  
Wende Mahaney- USFWS

***Sign-in sheet and meeting agenda attached***

**Discussion:**

The meeting began with introductions. Department of Energy (DOE) representative has not been identified as of the date of this meeting. DOE will likely be the lead agency for Section 7 consultation, however that will be determined in the Presidential permit pre-submission meeting. Jay Clement has requested attendance to this meeting.

A summary of information received to date from the agencies was provided by Lauren Johnston (BMCD).

- USFWS has provided shapefile for bald eagle nest locations. Wende Mahaney (USFWS) stated that this project does not need follow the “step process” identified on the USFWS website or submit a “species summary table” since we will be making regular contact during the consultation process. Burns & McDonnell has obtained the Official Species List.
- MDIFW has provided a shapefile which contains: DWA, SVP buffers, riparian buffers, WWH, and RTE. Also received was an Information Request response letter (dated June 5, 2017) with enclosed Recommended Performance Standards for Riparian Buffers, SVPs, IWWH, and DWA (dated March 26, 2012).

- MNAP has provided a shapefile which contains botanical features documented within 1,000-feet of the QMI transmission line as well as a letter response (dated June 6, 2017).

Boyle Associates has completed delineation and field verification surveys for wetlands and vernal pools. GIS information for all delineations and verifications will be submitted. Data sheets will be submitted for all pools. MDIFW asked to BMCD to provide 2017 Resource Delineation Protocol (including previously mapped resources). MDIFW would like the data sheets submitted as soon as possible and noted that they can be submitted in smaller batches so they can begin review and determination of significance. MDIFW stated that vernal pool determinations will take the most time so getting started as soon as possible is beneficial.

Wildlife discussions were provided by each agency as follows:

**USFWS: Mark McCollough and Wende Mehaney**

Canada Lynx

- Critical habitat (CH) includes the greenfield line from the Quebec border to a location near The Forks.
- Section 7 review area is broader than the CH area (two differently mapped areas). USFWS will provide a GIS shapefile for this.
- A biological assessment (BA) should be considered for the lynx (and all federally listed species in the project area). The federal agency is responsible for the BA however it is often applicant prepared.
- Likely no survey would be needed as lynx are presumed to be in the project area.
- There is existing survey information from MDIFW and it is recommended that we compile this. They have information regarding documented occurrences for the past few years. Contact Jen Vashon (MDIFW).
- The BA should include effects of clearing on CH. Should include total area cleared, how much spruce/fir habitat to be cleared, how much young vs old spruce/fir habitat to be cleared. There is a high population of snowshoe hare associated with young spruce/fir habitat.
- To determine presence of lynx habitat (ie young spruce/fir stands) we could obtain “stand maps” from landowners or complete a habitat analysis based on aerial photography images. USFWS can provide guidance and protocols for the desktop analysis.
- Scientific literature indicates that Canada Lynx are reluctant to cross 300-feet of cleared area. BMCD noted that the greenfield portion of transmission line will be cleared to a width of 150-feet and in collocated corridors, the width will not exceed 225-feet in most locations. BA should include some information regarding lynx movement and areas to be cleared.
- BA should include vegetation management standards and the conditions of the ROW post-construction.
- John Perry (MDIFW) will provide contact information for Jen Vashon who is the Lynx biologist at MDIFW. BMCD to contact Jen for survey data and recommendations.

- John Perry noted that MDIFW asked for track surveys during winter conditions for the Number 9 wind farm project.

### Eagles

- *Bald Eagles*
  - Bald eagles/golden eagles are protected by the Eagle Act. Setback is 660-feet from the bald eagle nest.
  - If CMP needs to pursue a Take Permit, it will take some time.
  - Last survey effort for bald eagles was in 2013.
  - GIS data provided by USFW has a buffer of 3-miles.
  - Eagles are most likely to be found within ¼ mile of a large wetland or waterbody.
  - Surveys will need to be conducted for the whole line but we should identify areas more likely to contain nest sites.
  - Marker balls are a minimization measure for areas near the eagle nests.
  - Contact Charlie Todd (MDIFW) for survey guidance.
  - Two surveys are recommended: one when the eagles are starting to nest and one when the chicks have hatched.
  - Prior to survey, we should draft a scope of work (SOW)/work plan and provide to USFWS for review.
  - Timing of the survey dates for will vary because of the range of the project. In the south the target date for surveys will be mid-March. In the north, the target date for surveys will be in April. A second survey should be conducted two months afterwards.
- Golden eagles
  - USFWS did not include golden eagle occurrences in GIS shapefile
  - Northern portion of the project has historic nest locations.
  - Look at MDIFW database for historic nest locations and contact Charlie Todd (MDIFW) for recommendations
  - Cliff faces may provide nest sites
  - Bob Stratton (MDIFW) indicated that one mapped golden eagle location on MDIFW is 5-miles from the project area.
  - No known nesting pairs in the state since 2001. There is one radio tagged eagle (currently deceased) with data that we may want to consider.
  - If peregrine falcons are present, eagles are often absent.

### Northern Long-eared bat

- Federally and state listed
- USFWS has streamlined consultation process which assumes presence.
- Streamlined consultations has no requirements for surveys (surveys are optional)
- If CMP decides to do surveys, USFWS can provide a survey protocol.
- MDIFW stated that clearing is generally not an issue and they also don't require surveys.

- John Perry (MDIFW) indicated that Cory Mosby (MDIFW Small mammal biologist) may have some heightened concern around any rocky features, talus slopes and we should discuss surveys and acoustic monitoring recommendations near any similar potential habitat areas..
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## Asali, Natasha

---

**From:** Mahaney, Wende <wende\_mahaney@fws.gov>  
**Sent:** Friday, June 23, 2017 9:13 AM  
**To:** Johnston, Lauren A  
**Cc:** Mark McCollough (Mark\_McCollough@fws.gov) (Mark\_McCollough@fws.gov); Goodwin, Mark; Morin, James  
**Subject:** Re: QMI Canada lynx Section 7 review area shapefile  
**Attachments:** A073\_V01\_53411.zip

Hi Lauren - Attached is the shapefile of the section 7 review area for Canada lynx. As Mark noted during our meeting, this is a broader area of Maine than what is currently designated as critical habitat for lynx.

Wende

Wende S. Mahaney, C.W.B.  
U.S. Fish and Wildlife Service  
Maine Field Office  
P.O. Box A (mailing address)  
306 Hatchery Road (physical address)  
East Orland, Maine 04431  
Telephone: (207) 902-1569 (direct line)  
Fax: (207) 902-1588  
Cellular Phone: 207-944-2991

On Thu, Jun 22, 2017 at 4:05 PM, Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)> wrote:

Good afternoon Mark,  
I have a follow-up item from the June 7, 2017 meeting to request a shapefile from USFWS for the Canada lynx Section 7 review area. My notes indicate that this area extends further than the DPS. Could you provide this to assist in our review?

Thank you!

**Lauren Johnston, CPESC** \ Burns & McDonnell

Senior Environmental Scientist

Mobile 207-272-7294 Office 207-517-8483

[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com) \ burnsmcd.com

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## Johnston, Lauren A

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**From:** Mahaney, Wende <wende\_mahaney@fws.gov>  
**Sent:** Monday, August 14, 2017 3:35 PM  
**To:** Johnston, Lauren A  
**Cc:** Mosby, Cory E; Perry, John; Stratton, Robert D; Marquis, Adam; 'gerry.mirabile@cmpco.com' (gerry.mirabile@cmpco.com); Goodwin, Mark; McCollough, Mark; Clement, Jay L NAE; Mills, Brian  
**Subject:** Re: FW: Northern Long Eared Bat Hibernacula

Lauren - This conversation is one we will need to have with the federal action agencies, DOE and ACOE. Ultimately through the ESA section 7 consultation process, the federal action agencies will decide what, if any, restrictions they want to place on the project to protect federally listed species including the northern long-eared bat. This may or may not include a restriction on when tree clearing can be done.

In Maine we consider the "active" bat season throughout the state to be April 20 through October 15 (based on review of acoustic bat survey data from a variety of projects in Maine). I am not aware of any information that would support tweaking these dates for particular regions of the state. Given that there is not much bat research going on in Maine, that might be difficult to do. So, I can't offer a different recommendation for more northern parts of the project versus other locations. But if someone has information to bring to the table for consideration, we can certainly do that as part of the consultation process with DOE and ACOE.

Wende

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Fax: (207) 902-1588  
Cellular Phone: 207-944-2991

On Fri, Aug 11, 2017 at 12:58 PM, Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)> wrote:

Wende,

Please find the correspondence below with the MDIFW regarding our inquiry into the northern long eared bat behavior and the length of the "active season" in the northern sections of the NECEC project. We initially contacted Cory since he has intimate knowledge of federal and state protected bats and their behavior within Maine, however, it may have been appropriate to start with the USFWS biologist opinion for the NLEB since the recommended conservation measures are issued federally. Could you review the following inquiry and kindly respond, as we are assessing our management options to properly protect this species.

In evaluating the time of year recommendations for tree removal activities, necessitated by the new transmission line, the Corps has been referencing the broader “active season” (April 1 through October 31) on certain projects. This is an additional voluntary conservation measure recommended by USFWS to the Federal action agency in the Biological Opinion on the Final 4(d) Rule . This time of year recommendation is more restrictive than the NLEB “pup-season” (June 1 to July 31), proposed by the streamlined section 7 consultation implemented by the USFWS.

CMP is inquiring if there could be flexibility in the “active season” time of year recommendation, based on higher elevation and latitude; and, the longer winter and snow cover season in the northern portions of the project area. The active season includes the “pup season” and from a climate perspective, is there a difference in when NLEB becomes active in the northern reaches of the NECEC Project? If so, would it be appropriate for a shortened active season to be applied from, the town of Moscow north to the Canadian border? This request is also based on the significant logistical/construction impact challenges of a 7-month no-cut period.

If you’d like to talk more in length regarding this, I’d be happy to schedule a call.

Thanks for in advance for your opinion.

**Lauren Johnston, CPESC \ Burns & McDonnell**

Senior Environmental Scientist

Mobile 207-272-7294 Office 207-517-8483

[ljohnston@burnsmcd.com](mailto:ljohnston@burnsmcd.com) \ burnsmcd.com

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**From:** Mosby, Cory E [<mailto:Cory.E.Mosby@maine.gov>]  
**Sent:** Thursday, August 10, 2017 2:49 PM  
**To:** Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>  
**Cc:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>; Perry, John <[John.Perry@maine.gov](mailto:John.Perry@maine.gov)>; 'gerry.mirabile@cmpco.com' (<[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)>) <[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)>; Stratton, Robert D <[Robert.D.Stratton@maine.gov](mailto:Robert.D.Stratton@maine.gov)>; Marquis, Adam <[adam.marquis@cmpco.com](mailto:adam.marquis@cmpco.com)>  
**Subject:** RE: Northern Long Eared Bat Hibernacula

Lauren,

I can only weigh in from a state government perspective, and it sounds like the recommended voluntary conservation measure is a US Corps/USFWS recommendation, not IFW. The active season they refer to is determined by USFWS biologist, not IFW.

Sorry that's not much help. Let me know if there's anything else I can do.

Cheers,

Cory Mosby

Furbearer and Small Mammal Biologist

Maine Department of Inland Fisheries and Wildlife

650 State St.

Bangor, ME 04401

207-941-4473 office

---

**From:** Johnston, Lauren A [<mailto:lajohnston@burnsmcd.com>]  
**Sent:** Thursday, August 10, 2017 1:08 PM  
**To:** Mosby, Cory E  
**Cc:** Goodwin, Mark; Perry, John; '[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)' ([gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)); Stratton, Robert D; Marquis, Adam  
**Subject:** RE: Northern Long Eared Bat Hibernacula

Hi Corey,

We are looking at NECEC projects' management strategies for protection of the NLEB. In evaluating the time of year recommendations for tree removal activities, necessitated by the new transmission line, the Corps has been referencing the broader "active season" (April 1 through October 31) on certain projects. This is an additional voluntary conservation measure recommended by USFWS to the Federal action agency in the Biological Opinion on the Final 4(d) Rule. This time of year recommendation is more restrictive than the NLEB "pup-season" (June 1 to July 31), proposed by the streamlined section 7 consultation implemented by the USFWS.

CMP is inquiring if there could be flexibility in the "active season" time of year recommendation, based on higher elevation and latitude; and, the longer winter and snow cover season in the northern portions of the project area. The active season includes the "pup season" and from a climate perspective, is there a difference in when NLEB becomes active in the northern reaches of the NECEC Project? If so, would it be appropriate for a shortened active season to be applied from, the town of Moscow north to the Canadian border? This request is also based on the significant logistical/construction impact challenges of a 7-month no-cut period.

If you'd like to talk more in length regarding this, I'd be happy to schedule a call.

Thanks for in advance for your opinion.

**Lauren Johnston, CPESC \ Burns & McDonnell**

Senior Environmental Scientist

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**From:** Mosby, Cory E [<mailto:Cory.E.Mosby@maine.gov>]  
**Sent:** Tuesday, July 18, 2017 10:06 AM  
**To:** Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>  
**Cc:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>; Perry, John <[John.Perry@maine.gov](mailto:John.Perry@maine.gov)>; 'gerry.mirabile@cmpco.com' ([gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)) <[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)>  
**Subject:** RE: Northern Long Eared Bat Hibernacula

Lauren,

Not a problem. Thanks for reaching out.

Known location of maternity roost trees for NLEB: The only known maternity roost trees for NLEB in ME are on Mount Desert Island in hancock county within Acadia National Park.

Of those seven additional bat species you mentioned one is state endangered, the little brown, and the eastern small-footed bat is state threatened. Our known hibernacula for those two species coincide with the hibernacula for NLEB. Additionally we know of no maternity sites for those species in forested settings outside of Acadia National Park on Mount Desert Island.

As far as avoidance recommendations regarding all of these species the list is pretty simple and short. Although not required, attempt to minimize tree removal during the maternity season when the pups are not able to fly and escape a falling tree. This is generally considered the months of June and July. Other than that our known hibernacula are protected and the overarching threat to our listed species of Myotis bat are an invasive fungus that is the causal agent for White-Nose Syndrome.

As for occurrence data, with the exception of eastern small-footed bats these species are widely distributed throughout the state. The current distribution of eastern small footed bats is roughly the southern ½ of the state. Even in a post White-nose environment, both little brown and northern long-eared bats could pop up most any place.

Feel free to contact me if you have any more questions or would like to just talk about bats in greater detail.

Cheers,

Cory

---

**From:** Johnston, Lauren A [<mailto:lajohnston@burnsmcd.com>]  
**Sent:** Monday, July 17, 2017 4:28 PM  
**To:** Mosby, Cory E  
**Cc:** Goodwin, Mark; Perry, John; '[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)' ([gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com))  
**Subject:** RE: Northern Long Eared Bat Hibernacula

Cory,

Thank you for confirming the location of the NLEB hibernacula in Maine. Are you able to provide known locations of maternity roost trees for the NELB? Do you have any documented occurrences near the CMP transmission line project formerly referred to as the Quebec Maine Interconnect (QMI) and now being called **New England Clean Energy Connect Project or "NECEC."** I can provide a map, kmz or shapefile if needed.

Additionally, the information request letter provided by MDIFW on 6/5/2017, identified seven other bat species which were state protected: little brown bat, eastern small-footed bat, big brown bat, red bat, hoary bat, silver-haired bat and tri-colored bat. Do you have occurrence data or avoidance recommendations regarding these species generally?

Thank you for your time and I look forward to hearing from you.

**Lauren Johnston, CPESC \ Burns & McDonnell**

Senior Environmental Scientist

Mobile 207-272-7294 Office 207-517-8483

[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com) \ burnsmcd.com

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**From:** Mosby, Cory E [<mailto:Cory.E.Mosby@maine.gov>]

**Sent:** Friday, June 09, 2017 2:58 PM

**To:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>

**Cc:** Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>

**Subject:** RE: Northern Long Eared Bat Hibernacula

Mark,

This email is to confirm that the information I provided you regarding the location of known NLEB hibernacula have not changed from the information provided to you as of 3/2/2017.

Thanks and have a good day.

Cory Mosby

Furbearer and Small Mammal Biologist

Maine Department of Inland Fisheries and Wildlife

650 State St.

Bangor, ME 04401

207-941-4473 office

---

**From:** Goodwin, Mark [<mailto:magoodwin@burnsmcd.com>]

**Sent:** Friday, June 09, 2017 1:21 PM

**To:** Mosby, Cory E

**Cc:** Johnston, Lauren A

**Subject:** RE: Northern Long Eared Bat Hibernacula

Cory:

Can you confirm that the information you provided below is still current as of today's date?

Thank you,

**Mark Goodwin, CPESC** \ Burns & McDonnell

Senior Environmental Scientist

207-517-8482 \ **Mobile** 207-416-5707

[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com) \ burnsmcd.com

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**From:** Mosby, Cory E [<mailto:Cory.E.Mosby@maine.gov>]  
**Sent:** Thursday, March 02, 2017 8:35 AM  
**To:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>  
**Subject:** RE: Northern Long Eared Bat Hibernacula

Hello Mark,

Our northern Long-eared Bat hibernacula are located in Oxford (two hibernacula) and Piscataquis (one hibernacula) counties.

Please feel free to contact me if any other questions arise.

Cheers,

Cory Mosby

Furbearer and Small Mammal Biologist

Maine Department of Inland Fisheries and Wildlife

650 State St.

Bangor, ME 04401

---

**From:** Goodwin, Mark [<mailto:magoodwin@burnsmcd.com>]  
**Sent:** Monday, February 27, 2017 11:50 AM  
**To:** Mosby, Cory E  
**Subject:** Northern Long Eared Bat Hibernacula

Hi Cory:

Please disregard my earlier voicemail. For consultation purposes (documentation) can you please confirm the county locations of known hibernacula of the Northern Long Eared Bat in the state of Maine as of February 27, 2017.

Thank you,

**Mark Goodwin, CPESC** \ Burns & McDonnell

Senior Environmental Scientist

207-517-8482 \ **Mobile** 207-416-5707

[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com) \ burnsmcd.com

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## Johnston, Lauren A

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**From:** Morin, James  
**Sent:** Tuesday, September 12, 2017 11:35 AM  
**To:** Johnston, Lauren A  
**Subject:** FW: Canada Lynx habitat

---

**From:** Morin, James  
**Sent:** Wednesday, July 19, 2017 4:34 PM  
**To:** 'Vashon, Jennifer' <Jennifer.Vashon@maine.gov>  
**Cc:** Goodwin, Mark <magoodwin@burnsmcd.com>; Johnston, Lauren A <lajohnston@burnsmcd.com>; gerry.mirabile@cmpco.com; Perry, John <John.Perry@maine.gov>; 'Robert.D.Stratton@maine.gov' <Robert.D.Stratton@maine.gov>  
**Subject:** RE: Canada Lynx habitat

Hi Jen,

I may try to give you a call tomorrow to discuss our project and its impact on lynx habitat. A key question I have is in regards habitat conversion of 150' ROW from managed forest to dense scrub/shrub and its potential effect on snowshoe hare and lynx (positive, negative or no effect).

Thanks,

**James P. Morin, LF\*, CPESC** \ Burns & McDonnell  
Sr. Environmental Scientist \ Forester  
Office 207-808-4924 \ Mobile 207-229-6752  
[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)  
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**From:** Morin, James  
**Sent:** Monday, July 10, 2017 7:58 AM  
**To:** 'Vashon, Jennifer' <[Jennifer.Vashon@maine.gov](mailto:Jennifer.Vashon@maine.gov)>  
**Cc:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>; Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>; [gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com); [adam.marquis@cmpco.com](mailto:adam.marquis@cmpco.com); Kane, Douglas <[Douglas.Kane@maine.gov](mailto:Douglas.Kane@maine.gov)>; Cordes, Robert <[Robert.Cordes@maine.gov](mailto:Robert.Cordes@maine.gov)>; Perry, John <[John.Perry@maine.gov](mailto:John.Perry@maine.gov)>; [wende\\_mahaney@fws.gov](mailto:wende_mahaney@fws.gov); [Mark\\_McCollough@fws.gov](mailto:Mark_McCollough@fws.gov)  
**Subject:** RE: Canada Lynx habitat

Hi Jennifer,

Please let me know if there is any additional project related information that I can provide you that would be helpful in my request.

Also, do you feel that a project such as this (150' wide transmission line corridor) would have a significant impact to the lynx, snowshoe hare or their habitat?

Thanks,

**James P. Morin, LF\*, CPESC** \ Burns & McDonnell

Sr. Environmental Scientist \ Forester

Office 207-808-4924 \ Mobile 207-229-6752

[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)

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**From:** Vashon, Jennifer [<mailto:Jennifer.Vashon@maine.gov>]

**Sent:** Thursday, June 29, 2017 2:33 PM

**To:** Morin, James <[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com)>

**Cc:** Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>; Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>; [gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com); [adam.marquis@cmpco.com](mailto:adam.marquis@cmpco.com); Kane, Douglas <[Douglas.Kane@maine.gov](mailto:Douglas.Kane@maine.gov)>; Cordes, Robert <[Robert.Cordes@maine.gov](mailto:Robert.Cordes@maine.gov)>; Perry, John <[John.Perry@maine.gov](mailto:John.Perry@maine.gov)>; [wende\\_mahaney@fws.gov](mailto:wende_mahaney@fws.gov); [Mark\\_McCollough@fws.gov](mailto:Mark_McCollough@fws.gov)

**Subject:** RE: Canada Lynx habitat

Hi James,

Yes, we have a database with records of lynx observations from a variety of sources. I would be happy to work with you on getting the information you need. I'll work with John and Amy Meehan (a gis analyst) to send you the information asap. I believe a shape file would be helpful, however Amy is in the field today. I'll check with her tomorrow on which file type she would prefer.

Thanks!

**Jennifer Vashon**

**Black Bear and Canada Lynx Biologist**

Maine Dept of Inland Fisheries & Wildlife Division

Wildlife Division

650 State St.

Bangor, ME 04401

(207) 941-4238

[mefishwildlife.com](http://mefishwildlife.com) | [facebook](https://www.facebook.com/mefishwildlife) | [twitter](https://twitter.com/mefishwildlife)

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---

**From:** Morin, James [<mailto:jmorin@burnsmcd.com>]

**Sent:** Tuesday, June 27, 2017 11:49 AM

**To:** Vashon, Jennifer

**Cc:** Goodwin, Mark; Johnston, Lauren A; [gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com); [adam.marquis@cmpco.com](mailto:adam.marquis@cmpco.com); Kane, Douglas; Cordes, Robert; Perry, John; [wende\\_mahaney@fws.gov](mailto:wende_mahaney@fws.gov); [Mark\\_McCollough@fws.gov](mailto:Mark_McCollough@fws.gov)

**Subject:** Canada Lynx habitat

Hi Jennifer,

I am in the process of compiling information on the Canada Lynx associated with the permitting of the proposed Central Maine Power Company (CMP) Quebec-Maine Interconnect Transmission Line project (QMI). The QMI project includes a high-voltage direct current (HVDC) transmission line that would go from Beattie Twp. to The Forks Plt., down to Wyman Dam, and eventually to Larrabee Substation in Lewiston (see attached map). The section of right of way (ROW) between Beattie Twp. and The Forks Plt. would be new corridor. The section from The Forks south to Lewiston would be within existing corridor, however additional widening would be necessary. We are aware that the Canada Lynx Critical Habitat in the project area is generally located between Beattie Twp and the southern border of Johnson Mountain Twp. Additionally, we have been provided with the Section 7 review area shapefile by USFWS and are aware that the review area extends further south to a point near Embden.

John Perry indicated that you maintain an occurrence database that would help us better understand the distribution of Lynx in the project area. He requested that we reach out to you for any potential survey data or known occurrences within the lynx critical habitat of the project ROW, as well as any information that would help us better understand how a newly cleared, 150' wide transmission corridor from Beattie Twp to The Forks Plt. may impact the lynx, its habitat, and snowshoe hare.

My objective is to obtain enough information about the Canada Lynx to be able to address the potential impacts caused by the proposed project, as well as the assessment of any mitigation measures that can be taken during the clearing and construction phases.

I can provide a shapefile or kmz file if that would assist you in your review. I welcome the opportunity to further discuss my request with you if needed at your earliest convenience.

Thanks,

**James P. Morin, LF\*, CPESC \ Burns & McDonnell**

Sr. Environmental Scientist \ Forester

Office 207-808-4924 \ Mobile 207-229-6752

[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com) \ [burnsmcd.com](http://burnsmcd.com)

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## Asali, Natasha

---

**From:** Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>  
**Sent:** Monday, June 4, 2018 6:44 AM  
**To:** Goodwin, Mark; Mirabile, Gerry J.  
**Cc:** Wende\_Mahaney@fws.gov  
**Subject:** FW: [Non-DoD Source] Metrics for lynx assessment NECEC project  
**Attachments:** Maine Lynx\_CH\_Unit1\_2014.pdf

E-copy as requested

-----Original Message-----

From: McCollough, Mark [mailto:mark\_mccollough@fws.gov]  
Sent: Thursday, May 31, 2018 12:15 PM  
To: Wende Mahaney <wende\_mahaney@fws.gov>  
Cc: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>  
Subject: [Non-DoD Source] Metrics for lynx assessment NECEC project

Wende and Jay:

My apologies, but I am unable to attend the NECEC meeting tomorrow. You can share the following information with Mark Goodwin or others at the meeting with CMP tomorrow.

The proposed powerline corridor from Beattie Township to Johnson Mountain Township is within the designated Canada lynx critical habitat (Figure 7.1, page 7-15 NECEC Site Location Application) and from West Forks Township to Anson Township is within an ESA Section 7 review area where we request Federal agencies to consult with the Service concerning Canada lynx.

Typically, we consider the construction (clearing of the rights of way and potential access roads) and existence of a cleared (revegetated) right of way to not have adverse effects on lynx themselves. The noise and activity associated with construction may have short-term, temporary effects on lynx behavior, possibly causing them to avoid some feeding areas, but they have large home ranges (as much as a township for males and 1/3 township for females) that provide alternate locations for feeding, sheltering, etc. while construction occurs. There may be a slight chance that construction during May and early June could affect female lynx and their dens. Lynx are known to relocate kittens when there is human activity, such as forest cutting. Project plans should specify whether construction will occur during May or June in the aforementioned townships and what contingencies will be taken if female lynx acting unusually tame (typical behavior when around a den) or lynx kittens are encountered.

The effects of the NECEC project on lynx should be documented for the Army Corps of Engineer's Biological Assessment. Metrics should include:

- \* The total amount (acres) of forest clearing (right of way, roads, other clearings) a) in lynx critical habitat and b) within the section 7 review area
- \* The number of acres of clearing that will be predominantly softwood and mixed softwood (50% or more softwood) a) in lynx critical habitat and b) within the section 7 review area. This information can come from a) landowner stand maps or b) aerial photography interpretation. Given the large number of landowners and various forestry stand mapping systems and reluctance of some to share this proprietary data, aerial photography interpretation may be the preferred and most consistent way to quantify the effects of clearing softwood and mixed wood stands for this project. This habitat is the preferred feeding, denning, and snowshoe hare habitat described in the critical habitat rule.

- \* The softwood and mixed softwood acres described above should be further classified into current lynx feeding habitat (forest height greater than 10 feet and less than 35 feet or less than 35 years old) and future feeding habitat (forest height less than 10 feet or recently heavily cut and forest greater than 35 feet) a) in lynx critical habitat and b) within the section 7 review area .
- \* The numbers of acres of clearing that will be predominantly hardwood or mixed hardwood (<50% softwood) a) in lynx critical habitat and b) within the section 7 review area. This is matrix habitat explained in the lynx critical habitat rule.
- \* Preferably these forest habitat types would be mapped in each of the aforementioned townships so the distribution of lynx potential feeding-denning and matrix habitat is documented.

In addition to the information above, the Army Corps Biological Assessment (BA) should describe CMP plans for managing the NECEC project right of way after construction. Most rights of way are kept in a shrubby or young forest condition. This forest condition would facilitate the dispersal and movement of lynx across the right of way and may provide minimal value for feeding habitat. A vegetation management plan should be included in the BA. Plans to manage the right of way differently (e.g., low grass, forbs, mowed) should be explained in the BA.

Some BMPs for lynx and their habitat for a right of way project.

- \* rights of way should be maintained in native shrubs or young forest
- \* clearings should be minimized to less than 300 feet (lynx are reluctant to cross wider areas)
- \* coarse woody debris (root wads, tip ups, downed trees) should be maintained on site to improve denning and snowshoe hare habitat
- \* post-construction access along the right of way (ATV trails, etc.) should be avoided (these can introduce other indirect effects, trapping and hunting, other forms of disturbance to lynx)

The Service will consult with the Army Corps and determination of effects on lynx and their critical habitat based on the information assembled in the BA.

I would be glad to discuss this further with the Corps or the applicant, answer questions, advise, etc.

I hope you have a good meeting.

Sincerely, Mark McCollough

--

Mark McCollough, Ph.D.  
Endangered Species Specialist  
US Fish and Wildlife Service

Maine Fish and Wildlife Service Complex

Ecological Services  
Maine Field Office  
P.O. Box A (mailing address)  
306 Hatchery Road (physical address)  
East Orland, Maine 04431  
Telephone: (207) 902-1570

Fax: (207) 902-1588

Cell Phone: 207 944-5709

mark\_mccollough@fws.gov <mailto:mark\_mccollough@fws.gov>

MEETING MINUTES  
NECEC USFWS Update and Section 7 Process Meeting

---

**Contact:** Mark Goodwin  
**Title:** Environmental Manager - Burns & McDonnell  
**Date:** June 1, 2018  
**Time:** 1:30pm-3:00pm  
**Location:** CMP General Office, Augusta

---

**Attendees:**

Gerry Mirabile- CMP

Mark Goodwin- Burns & McDonnell

Lauren Johnston- Burns & McDonnell

Jay Clement- USACE

Wendy Mahaney- USFWS

Melissa Pauley- USDOE (via phone)

**Discussion:** Mark Goodwin provided a high level project update to the group.

Landscape Analysis

- Burns & McDonnell has nearly completed a landscape analysis for rare plants and unusual natural communities. The protocol for this analysis was developed in consultation with Kristen Puryear (MNAP) and Mark McCollough (USFWS).
- Habitat modeling for the small whorled pogonia was used as part of the landscape analysis.
- Cover type data from Weyerhaeuser was also inputted in the analysis. The data covers portions of Segments 1 and 2 but does not include the entire project corridor.
- The cover type data may be useful for the Canada lynx assessment.
- The results of the landscape analysis and survey locations will be provided to MNAP and USFWS for review and comment.
- Field surveys will start soon after the approved landscape analysis results.
- Wende asked if contractors who will be bidding on the field survey scope of work can provide their experience relevant to searching for the small whorled pogonia.
- Jay asked if there were other landowners along the Project route that could provide cover type data to fill in data gaps. Mark indicated that Burns & McDonnell is still assessing those data gaps.

Biological Assessment

- CMP is willing to proceed with the draft Biological Assessment (BA), however USACE has not given notice to proceed with this task.
- Jay confirmed that the USACE would like CMP/BMcD to proceed in drafting this document.
- Wende asked Jay to confirm in writing that the USACE is the lead action agency for NECEC. Melissa agreed that the USACE will be the lead action agency.

- The BA is a USACE document, but CMP/BMcD will prepare the draft on the USACE's behalf.
- Mark stated that BMcD has reviewed the Corps and USFWS BA templates and they differ slightly.
- Jay stated that we should use the Corps template, however it is a loose format and the document should "hit the major points."
- Jay will assist with the BA table of contents and scope review. Jay noted that BA should in general include a solid description of the project and habitats; project components; and effects analysis.
- Wende stated "Do not waste time regurgitating the biology of the species. Focus on the effects of the Project on species and their habitat. Focus on things that are pertinent." She asked that BA focus on threatened and endangered species and their habitat.
- Wende also stated that USFWS does not need to review the draft versions of the BA. The Corps will submit the final version to USFWS. USFWS is happy to answer biological questions as BMcD prepares the draft.
- Melissa Pauly said the DOE would be focusing their review on what is occurring at the border crossing and that the DOE does not have BA template. She also stated that the DOE is willing to review the draft document.
- Wende stated that migratory birds do not need to be included in the BA.
- Wende discussed that decisions may be coming for the Yellow-banded bumble bee and the Brook Floater, however she does not recommend including them in the BA.
- Mark agreed to circulate BA outline draft.

#### Species Discussion

- BMcD re-ran USFWS's IPAC for an updated RTE species list. The updated report did not result in any changes to the species the Project may impact.
- Northern longeared bat (NLEB)
  - The Project will utilize the Section 7 streamlined consultation form for the NLEB.
  - Wende instructed CMP/BMcD to put a paragraph in the BA that discusses impact numbers (forest conversion), schedule, and the time of year restriction and include the streamlined consultation form. Wende also instructed us not to do an effects determination for NLEB, and to relate clearing and construction plan to NLEB standards.
  - Jay stated that the form requires updated clearing figures.
  - Jay stated that the standard best management practices (BMPs) for the NLEB include: No clearing from June 1 to July 31, and clearing in the winter, if possible.
  - The Corps will need to understand to what degree the Project can meet these two basic BMP's.
  - Jay stated that the "No clearing from June 1 to July 31" standard is the priority.
  - Mark stated that CMP/BMcD will evaluate the construction schedule and discuss in the BA.

- Mark noted that we have observed that a more restrictive, broader “No Cut Season,” April to October, has been imposed on other projects. Wende and Jay stated that if they do require a more restrictive “No Cut Season,” then it would be based on the BA.
- Jay would also consider information as to why the broader “No Cut Season” is a burden or not reasonable for the Project.
- Wende said that CMP/BMcD should discuss whether CMP can focus on winter clearing in the greenfield portion of the Project. She indicated that clearing of the greenfield is more of a concern than widening existing corridors since bats tend to roost in forest interiors.
- Wende stated that CMP/BMcD “should not spend 10 pages on the effects determination,” and that the BA will have a “may affect” finding because the Project will be clearing trees.
- An updated streamlined consultation form should be sent annually for the duration of tree clearing activities. The form should be resubmitted within 1 year of the date of the form and the acreage to be cleared should be adjusted based on the remaining clearing acreage.
- Jay stated that whatever CMP commits to in the BA to make sure that the Vegetation Clearing Plan (VCP) and vegetation maintenance plans are consistent.
- Wende discussed a lawsuit ruling on the 4(D) rule is expected to be coming in July 2018, however the Project should proceed as is and if something changes, we’ll adjust.
- Canada lynx
  - Wende stated that a portion of the project is within critical lynx habitat, and the habitat review for the lynx should address the Distinct Population Segment (DPS) Critical Habitat as well the broader Section 7 review area which extends from the Canadian border to a point in Embden.
  - Wende discussed using stand maps vs aerial photography to assess suitable habitat. She stated that Mark McCollough prefers using aerial photography only since stand maps can be inconsistent. It was acknowledged that stand maps, if consistent, can be useful to identify stands of softwood and mixed softwood.
  - Wende indicated that Mark M. will likely want to be involved during the analysis. BMcD will reach out to Mark M. for guidance.
  - Wende asked if BMcD can visually represent the stand data for Mark M. to review. Once BMcD fully reviews the data, this will be provided in some format.
  - Areal coverage of preferred lynx habitat will be the basis for effects analysis.
  - Jay asked if there have been any good lynx effect analysis done for other projects that USFWS can share. Wende indicated there have not been many projects of this size. Melissa does not know of anything recent enough to reference.
- Atlantic Salmon
  - The Project does not propose any in-stream work, so no direct effects on salmon are anticipated. The approach regarding salmon streams will be identical to how MPRP was constructed.

- BMcD confirmed that the NECEC waterbody crossing table identifies whether streams are intermittent or perennial, as well as whether the feature is within the Gulf of Maine Distinct Population Segment and/or Atlantic Salmon Habitat, as identified by the Maine Department of Marine Resources.
- Wende stated that she “hopes we are doing a more conservative buffer,” in reference to the currently proposed 25 foot buffer. She also stated that she expects “pole placement is not within the buffer.”
- The BA should include the type of stream crossing proposed and erosion control approach. Typical of these methods should be included as well, as well as narrative description and anticipated impacts and how impacts will be avoided and/or minimized.
- Eagles
  - Eagle nest surveys will be conducted during construction years; surveys need to be coordinated with USFWS and MDIFW. Need to inventory all nests within 660 feet of corridor.
- Biological Assessment (continued)
  - Overall, the BA should include a detailed construction plan specific to each T&E species concerns. Discuss erosion controls, refueling, restrictive construction practices. While these standards are already in the application and in CMP’s Environmental Guidelines, USFWS would like it all in one place, species specific, and “in a nice little package.” Wende requested that the BA doesn’t reference back and forth to multiple documents.
  - Wende stated that she is not expecting to write a Biological Opinion (BO) in response to the BA. She will likely write a concurrence or disagreement letter on BA conclusions and ACOE proposed permit conditions. They typically do not do “concurrence with conditions.”
  - Wende wants the BA to be “explicit with all avoidance and mitigation measures.”
  - If at any time, BMcD/CMP are not sure of the effect there can be a discussion with the Corps and USFWS.
  - Formal Section 7 consultation is triggered by any “take” or “adverse effect” On RTE species. Cumulative impact assessment is not required unless formal consultation is triggered.

MEETING MINUTES  
NECEC MDIFW State-Listed Species Working Session

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager - Burns & McDonnell  
**Date:** June 4, 2018  
**Time:** 10:30am-1:00pm  
**Location:** CMP General Office, Augusta

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**Attendees:**

Gerry Mirabile- CMP  
Mark Goodwin- Burns & McDonnell  
Lauren Johnston- Burns & McDonnell  
John Perry- MDIFW  
Robert Stratton- MDIFW  
Charlie Todd- MDIFW  
Phillip deMaynadier-MDIFW

**General Discussion:** The meeting was structured as a working session with MDIFW to review and discuss the Project's impacts to State Listed Species and Species of Special Concern as well as, MDIFW's recommendations outlined in their March 15, 2018 Environmental Permit Review Comments. The meeting began with a safety moment and introductions and proceeded through the agenda (attached).

Northern Bog Lemming

- MDIFW identified approximately 1.5 miles of corridor (Skinner Twp – near West Branch Road) with potentially suitable habitat within Project corridor for survey.
- CMP intends to complete this survey in June, at the latest July.
- CMP will survey the identified area for suitable habitat and conduct a more intensive search in areas which meet those features.
- Mark Goodwin asked if there was a survey protocol available. Charlie Todd stated he will provide some additional information. He also indicated that the agency is willing to assist with survey efforts if something "suspicious" is found and warrants a closer look. He suggested that a contractor may be available to assist.
- Charlie Todd recommended collecting fecal samples to confirm DNA of the Northern Bog Lemming. It is common to find evidence of the Southern Bog Lemming and DNA is the only known way to positively confirm presence.
- Charlie Todd recommended that survey take place toward late summer or early fall, however, surveys could be conducted earlier with possible follow-up surveys occurring in high probability areas. Looking for runways, green pellets, and latrines, and would require field notes and photo documentation.
- There are 4 known locations in Maine of the Northern Bog Lemming.

- MDIFW asked if CMP will contract with a small mammal biologist for these surveys. Mark Goodwin stated that Burns & McDonnell has a biologist in the CT office, with possible support from the Maine office. MDIFW recommended that someone from their department, possibly Bob Cordes and/or Sarah Boyden, assist in survey efforts.
- A question was posed by CMP regarding avoidance and what other considerations there may be other than complete avoidance. It was mentioned that the pole spans are 1,000 feet apart, however, clearing will still need to occur.
- Charlie stated that CMP is unlikely to find the Northern Bog Lemming based on what is known about the species, "highly fragmented remnant population." If CMP finds green scat, then there will be a step of validation through scat collection for DNA sampling. MDIFW and Zach Olson (University of New England) will provide protocols for DNA sampling. CMP inquired about the sampling turn around time.
- John Perry discussed possible avoidance by shifting the transmission line from one side of the corridor or the other, completely spanning the wetland, or designing taller structures to allow for taller capable vegetation to grow. Gerry Mirabile explained that shifting the line within the corridor would likely require additional angle structures and additional impact and referred to the response provided by CMP to MDEP on March 29, 2018, as part of their data request response.
- Phillip deMaynadier inquired about the "level of effort" which would be conducted during the survey and suggested that the level of experience of the surveyor would have variable results. Mark Goodwin stated that a more intensive search would occur in areas exhibiting potential habitat and within/adjacent to wetland areas.

#### Roaring Brook Mayfly and Northern Spring Salamander

- Burns & McDonnell identified 64 waterbodies that may contain mayfly or salamander habitat. The potential habitat areas are located between the Canadian border and Johnson Mountain Twp.
- The 64 streams were identified using desktop tools, which included looking at streams over 1,000 feet in elevation and reviewing field surveyed features on the data forms for streams with cobble/gravelly bottoms.
- Phillip deMaynadier stated that Beth Swartz (MDIFW) also conducted a desktop review and identified 30-40 features. Mark Goodwin stated that MDIFW's results are consistent with Burns & McDonnell's since some features included in the initial count will need to be visited to confirm presence of potential habitat (note, CMP later performed habitat characterizations on 78 perennial streams in July 2018, and intends on providing this data to MDIFW).
- Phillip suggested that areas which are dominated by softwood could help pare down the features with potential habitat.
- Phillip stated that Beth Swartz provided protocols for mayfly and salamander surveys and it is recommended that the surveyor is a qualified entomologist (mayfly) or herpetologist (salamander). Phillip stated he has a couple of people in mind with good rates, specifically Trever Persons (Norridgewock) as herpetologist and Steve Biryon (UConn) as field entomologist.

- Mark Goodwin discussed the September survey timing for the mayfly as an obstacle for the project permitting schedule. Mark stated that CMP can not meet all the management guidelines provided by MDIFW. Specifically, CMP can not meet the 2<sup>nd</sup> and 4<sup>th</sup> bullet in MDIFW management guidance document.
- Mark stated that during the MPRP, CMP and MDIFW executed a Memorandum of Understanding (MOU) for the Black Racer snake which allowed MDIFW to make a determination prior to the development of an Incidental Take Plan (ITP).
- Phillip deMaynadier suggested the concept that Mark laid out “makes sense” and a “streamlined ITP” could be developed for these species. The MOU could state that a “species specific mitigation plan would be forthcoming.”
- Bob Stratton suggested that CMP must go through an “avoidance and minimization discussion” to show why CMP can not meet the management standards. Mark Goodwin stated that CMP will provide that discussion in the response to the March 15<sup>th</sup> letter.
- Gerry Mirabile explained the public hearing and timing concerns to the group and why CMP is seeking a determination prior to the survey. He explained that CMP intends to conduct the survey, however, the MOU would allow the MDIFW to make a determination prior to the September survey.
- Phillip deMaynadier indicated that the Northern Spring Salamander was likely to be found within the Project areas and indicated that CMP could conduct those surveys prior to September. The Northern Spring Salamander is a Species of Special Concern in Maine and an ITP wouldn’t apply but CMP could form a similar mitigation measures plan for this species. Phillip stated that CMP could use the same MOU model for the salamander and mayfly; formal ITP is available for the mayfly since this species is listed as “threatened.”

#### Riparian Buffers

- Bob Stratton stated that MDIFW is going to be asking for 100 foot stream buffers.
- John Perry asked “what can we get for buffers?”
- Gerry Mirabile wanted clarification of what MDIFW considers “buffers.”
- John Perry indicated that cutting capable species and leaving the understory is the practice they would be looking for. Gerry Mirabile stated that often in a practical scenario, there may initially be no understory after the forested canopy is removed.
- John Perry discussed that increasing pole heights and decreasing span lengths might allow for leaving the buffer intact.
- Gerry Mirabile discussed that increasing the pole heights increases the visual impact.
- MDIFW noted they are looking for temperature shading for cold water fisheries.
- MDIFW would like an idea of the impact and which standards CMP can and cannot comply with as part of the response to the March 15 MDIFW comments.
- Gerry stated that the width of the buffer is less critical to CMP than the management practices within the buffer.

- It was mentioned that activities in the buffer are temporary and impacted during initial clearing. The corridor is allowed to revegetate immediately after construction and will be maintained as early successional, scrub-shrub habitat.
- Phillip noted that there is not a “one size fits all” with buffers.

#### Wood Turtles

- The time of year restriction (TOYR) for the Wood turtle was clarified: April 15 to Oct 15.
- Wood turtle habitat was identified by MDIFW in Segment 5. Clearing activities in this portion of the Project primarily consists of mowing of existing vegetation and some limited tree clearing.
- CMP intends to meet the TOYR for clearing, however the restriction on construction activities may be harder to meet.
- Mark Goodwin asked if there could be flexibility allowed if the access roads were installed outside of the April to October time period, then construction can occur within the TOYR window if all travel were restricted to matted/established access roads and work pads.
- Proposal is to mow or clear October 15 to April 15, and to construct on mats (in habitat areas) April 15 to October 15.
- It was mentioned that turtles can still get crushed on the mats.
- Suggested ideas were to have a spotter walk through prior to daily construction travel and/or installation of silt fence to keep the turtles out of the travel ways.
- Mark Goodwin noted that he emailed Derek Yorks of MDIFW, requesting the location of the 16 identified streams (1 confirmed presence, 15 potential). MDIFW will provide a shapefile or a list of the stream ID's for BMCD.

#### Golden and Bald Eagle

- MDIFW confirmed that they are conducting a 2018 eagle survey.
- Charlie Todd stated that they had not yet flown the Upper Kennebec River.
- CMP stated they would do surveys annually prior to construction in areas slated for construction during that year.
- The TOYR is typically within 660 feet of an identified, active nest.
- CMP noted that it would install avian markers as required by MDIFW.

#### Great blue heron

- Prior to clearing, CMP will conduct surveys within identified IWWH.
- Survey timing of heronries don't coincide with eagles. Surveys should be conducted in June.
- If a heronry was found, CMP asked what would the TOYR be? MDIFW responded that a TOYR may be required that allows no work within IWWH containing nests that are active (eggs or chicks).
- MDIFW suggested that CMP mitigate or compensate for cutting down a heron rookery..

### Brook Floater Mussel

- No instream construction in 2 known locations (Carrabassett River and Sheepscot River).
- CMP noted no clearing planned within 250 feet of these rivers.
- MDIFW noted that it would be a “good faith” compensation to rebuild riparian zone via purchasing agricultural rights in these areas and allowing to regrow trees to provide shade.

### Bats

- MDIFW March 15 comments indicated that there will be no significant Project impact to bats.
- CMP intends to comply with the June 1 to July 31 TOYR on clearing activities for the Northern Long Eared Bat. CMP is anticipating that the USFWS may recommend an April to October TOYR for the greenfield portion of the project.
- MDIFW suggested that acoustic monitoring may enable CMP to work within a lesser TOYR.

### Significant Vernal Pools

- MDIFW received CMP’s list December 2017; CMP updated list based on MDIFW feedback on pool status.
- MDIFW requested that latest data be provided to Beth Swartz as soon as possible. Lauren agreed and noted that table will be modeled after MDIFW’s example.
- Lauren noted that there are 80 to 90 significant vernal pools within the entire project.
- Group discussed 40% discount on SVP ILF (Mike Mullen/NDEP 2017 letter).

### Coldwater Fisheries

- Mark Goodwin suggested that mitigation options could include “lop and drop” and culvert replacements.
- Bob Stratton returned to the 100 foot buffer request and stated that structures should also be set outside riparian buffer, and reiterated the goals of avoiding and minimizing impacts to fisheries.
- Bob Stratton explained that MDIFW defines buffers as “forested buffers, not necessarily vegetated.”
- MDIFW stated that CMP will need to demonstrate why they cannot meet these standards.
- Bob Stratton wanted to know why CMP can not move the line to avoid resources.
- Gerry suggested scheduling a follow-up meeting with CMP’s vegetation management group.
- John Perry suggested having an engineer at the follow-up meeting to discuss limitations on design with respect to natural resource avoidance; CMP agreed.

## Asali, Natasha

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**From:** McCollough, Mark <mark\_mccollough@fws.gov>  
**Sent:** Tuesday, June 19, 2018 8:15 AM  
**To:** Goodwin, Mark  
**Cc:** Puryear, Kristen; Desson, Leonard R (Len); Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com); Hoodlet, Sarah  
**Subject:** Re: [EXTERNAL] NECEC Landscape Analysis Shapefiles

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mark:

I am fine with your approach for small whorled pogonia.

Thanks, Mark McCollough

On Fri, Jun 15, 2018 at 11:10 AM, Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)> wrote:

Good morning Kristen and Mark:

Please find the attached zip file containing the data sources for unique habitat features that were evaluated as well as the survey blocks proposed for rare plant surveys. The survey blocks should display in two different colored feature types (proposed survey blocks in purple and random survey blocks in yellow). As I noted in my email to Kristen earlier this week, of the 75.4 miles of corridor on Segments 1 & 2 (Canada Border to Wyman Hydro), 49 miles (65%) have been identified for field investigation. As a result, 26.35 miles of corridor are not recommended for field survey. We plugged in the random survey areas, however many of these areas would be walked through to access the proposed survey areas and if unique habitat features were observed the surveyors would spend more time in those areas anyways. Please let me know if you feel the proposed survey areas are adequate and if any areas should be added or eliminated.

In regards to the small whorled pogonia, nearly all areas identified by the habitat model in Segment 3 of the project will be searched.

We are waiting for the proposals from qualified rare plant surveyors and anticipate receiving them next week. We will share the names of the selected consultant(s) at that time.

Please let me know if you have any questions or have any issues viewing the attached information.

Thank you,

**Mark Goodwin, CPESC** \ Burns & McDonnell

Senior Environmental Scientist

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**Mark McCollough, Ph.D.**

**Endangered Species Specialist  
US Fish and Wildlife Service  
Maine Fish and Wildlife Service Complex**

**Ecological Services  
Maine Field Office  
P.O. Box A (mailing address)  
306 Hatchery Road (physical address)  
East Orland, Maine 04431  
Telephone: (207) 902-1570  
Fax: (207) 902-1588  
Cell Phone: 207 944-5709  
[mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov)**

## Asali, Natasha

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**From:** Mahaney, Wende <wende\_mahaney@fws.gov>  
**Sent:** Thursday, September 6, 2018 7:32 AM  
**To:** Clement, Jay L CIV USARMY CENAE (US)  
**Cc:** Goodwin, Mark; Melissa.Pauley@hq.doe.gov; Mirabile, Gerry J. (Gerry.Mirabile@cmpco.com); Johnston, Lauren A; Morin, James; McCollough, Mark  
**Subject:** Re: [EXTERNAL] RE: NECEC Biological Assessment Draft TOC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jay - Thanks for looping us in. I agree with your comments and reiterate that the description of the proposed action should ideally include a clear description of all proposed conservation measures that will avoid and minimize impacts to listed species and critical habitat. Generally for a Corps' BA, this includes a list of proposed permit conditions. Not sure how DOE usually approaches this. We can have further discussion on this point if needed. Although I'm not sure that we've really delved into ideas about effects determinations yet in a formal way (no pun intended), if we do need to do a formal consultation for any species, ideally the proposed action would incorporate all conservation measures up front such that the incidental take statement doesn't need any terms and conditions other than monitoring/reporting.

Jay is also correct that you don't need to spend pages and pages regurgitating general species biology, descriptions of habitat etc. Summaries that FOCUS on what is relevant to the expected impacts of this project on the species and their habitats should be sufficient.

Above all else, the most important aspect of the BA is a clear and comprehensive project description that includes sufficient details on all aspects of the proposed action from construction to long-term operation and maintenance. If we don't get this part of the BA really top-notch, then problems can just cascade throughout the document as I'm sure you all know!

As you'll see from Mark's email, he is out of the office until September 20.

If there are any questions or need to further clarification, don't hesitate to ask. Glad to discuss things by phone.

Thanks, Wende

Wende S. Mahaney, C.W.B.  
U.S. Fish and Wildlife Service  
Maine Field Office  
P.O. Box A (mailing address)  
306 Hatchery Road (physical address)  
East Orland, Maine 04431  
Telephone: (207) 902-1569 (direct line)  
Fax: (207) 902-1588  
Cellular Phone: 207-944-2991

On Wed, Sep 5, 2018 at 7:30 AM, Clement, Jay L CIV USARMY CENAE (US) <[Jay.L.Clement@usace.army.mil](mailto:Jay.L.Clement@usace.army.mil)> wrote:

Mark:

I'm looping Wende and Mark into this because I'd like their input too. My comments at this point are limited:

Front cover - add DOE to this undertaking as well.

As you describe the species and its status, don't spend a lot of time regurgitating reams of background, keep to a summary format. I say this based on past guidance from Wende who has repeatedly reviewed the same background information on salmon time and time again. I expect Mark is the same. It's my understanding they don't need to see it in huge detail again.

As you discuss effects of construction and operation, be sure to describe the mitigating effects, if any, of various BMPs, e.g. no cut buffers on salmon streams.

Jay

-----Original Message-----

From: Goodwin, Mark [mailto:[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)]

Sent: Tuesday, August 28, 2018 11:10 AM

To: Clement, Jay L CIV USARMY CENAE (US) <[Jay.L.Clement@usace.army.mil](mailto:Jay.L.Clement@usace.army.mil)>; [Melissa.Pauley@hq.doe.gov](mailto:Melissa.Pauley@hq.doe.gov)

Cc: Mirabile, Gerry J. ([Gerry.Mirabile@cmpco.com](mailto:Gerry.Mirabile@cmpco.com)) <[Gerry.Mirabile@cmpco.com](mailto:Gerry.Mirabile@cmpco.com)>; Johnston, Lauren A <[lajohnston@burnsmcd.com](mailto:lajohnston@burnsmcd.com)>; Morin, James <[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com)>

Subject: [Non-DoD Source] NECEC Biological Assessment Draft TOC

Jay/Melissa:

As requested during our meeting earlier this summer, please find the draft Table of Contents for the NECEC Biological Assessment for your review and comment. Note that the TOC in the final document will be formatted a little differently and will include reference to tables and figures, but for the purposes of Corps and DOE it should be easier for you to review and comment using the attached format.

Note we have already started drafting the BA and will continue to do so. We'll make any tweaks necessary based on your comments.

Thank you,

Mark Goodwin, CPESC \ Burns & McDonnell

Senior Environmental Scientist

207-517-8482 \ Mobile 207-416-5707

[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com) <mailto:[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)> \ [burnsmcd.com](http://burnsmcd.com)  
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MEETING MINUTES  
MNAP – Rare Plant Locations, Avoidance/Minimization

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager – Burns & McDonnell  
**Date:** October 3, 2018  
**Time:** 10:00 am -12:15 pm  
**Location:** MNAP Office, 17 Elkins Drive, Augusta

---

**Attendees:**

Gerry Mirabile (GM)- CMP  
Mark Goodwin (MG)- Burns & McDonnell  
James Morin (JM)- Burns & McDonnell  
Kristen Puryear (KP)- MNAP  
Molly Docherty (MD)- MNAP  
Don Cameron DC)- MNAP  
Jim Beyer (JB)- MDEP  
Mark McCollough (MM)- MDIFW

**Purpose:**

Meeting to discuss avoidance and mitigation measures for rare plants and unusual natural communities which may be impacted by CMP's NECEC Project.

**General Discussion:**

The meeting began with a quick review of the intended goals of the meeting which were to discuss the locations of rare plants and unusual natural communities identified within CMP's corridors as a result of the NECEC rare plant and exemplary natural community field survey; to discuss agency concerns regarding each species/community; and to determine the appropriate level of avoidance (if required), mitigation, or best construction practices for each occurrence.

**Rare Plant Occurrences:**

*Isotria medeoloides* (Small Whorled Pogonia [SWP])

- MG showed on Google Earth where the SWP was recently identified; within CMP corridor but outside the current project's clearing limits in Greene.
- MG estimated that the SWP location was about 12' outside the proposed clearing limits.
- MM had questions about the extent of the survey area, inside and outside the clearing limits, and the name of the abutter.
- GM asked about the shade tolerance of the SWP and the intrusion of additional sunlight.
- DC stated that any amount of tree clearing could potentially imperil the occurrence and that when the canopy is removed there is first the impact of additional light changing the

microclimate and second, dense early successional growth that would result could change the habitat conditions, altering the habitat so that it is unsuitable for SWP.

- JB asked if planting additional non-capable species along the edge of ROW would be appropriate.
- DC stated there was no guarantee that planting non-capables would be sufficient to protect the occurrence and that plantings to mitigate impacts to SWP is something that is not done.
- GM spoke about changing the wire configuration from horizontal to vertical in this area to minimize the amount of clearing.
- MM asked about the separation zone between the edge of ROW and the wire.
- GM spoke about the line clearance requirements and the potential for outages and fines (financial penalties) if the appropriate clearance is not maintained.
- GM spoke about reconfiguring the adjacent lines to make more room for the new line in a manner that would avoid tree clearing in this location.
- MM asked about managing trees to a mid-canopy height (topping) to provide shade.
- GM spoke about a maximum height of 10' under the wire zone, capable vs. non-capable, and that some species are better suited to top verse others. Managing the vegetation in this manner is doable but not preferred for a variety of safety, reliability, and environmental reasons.
- DC stated that managing the clearing limits as mid-canopy could not guarantee survival of the occurrence.
- GM asked the group about the possibility of transplanting.
- DC stated that was not practical (due to SWP's association with fungus and trees), MD concurred that transplanting was not an option.
- GM asked if construction of a shade pergola over the occurrence would sufficiently mitigate for clearing.
- MD and DC concurred that this was not a guaranteed or preferred method of preservation.
- MG said that discussions with project engineers was necessary to determine if re-aligning the wires and the adjacent (co-located) transmission lines was an option.
- GM asked if reconfiguring the line and the adjacent lines was not an option that what would be the next step.
- DC and MM agreed that conservation of an adjacent population if present on the abutters land could be a viable mitigation measure. Additional surveys on abutting land would be needed to determine whether or not that option was viable, but time is running out to do so in 2018.
- GM asked the group about additional mitigation measures.
- MM indicated that anything other than avoidance would trigger formal consultation under Section 7 of the Endangered Species Act, and that to authorize a take, USFWS would require a thorough vetting of alternatives, avoidance, and mitigation in the context of a Biological Assessment. USFWS would then issue a Biological Opinion within 130 days.
- GM spoke about the project timeline and that hearing would likely be 3<sup>rd</sup> week in January 2019.
- JB spoke about possible permits issued by Mar./Apr.
- GM spoke about a project construction start date of Nov/Dec 2019 with an in-service date of late 2022.

- Final thoughts included additional survey efforts outside CMP corridor on abutters property (with landowner permission), mitigation measures, fall back to mitigation measures, and engineering alternatives with re-alignment of adjacent lines to make room for the new line without additional clearing.

*Gentiana rubricaulis (Red-stemmed Gentian)*

- DC stated that this plant does well in open rights-of-way. Appropriate protection includes flagging all populations prior to construction, clearing during frozen ground conditions or on matted travel lanes.
- MG explained that all protected natural resources would be flagged/signed prior to construction, would be maintained throughout construction, and that environmental inspectors and third-party inspectors monitor the condition of flagging/signage throughout the project.

*Dryopteris goldiana (Goldie's Wood Fern)*

- DC stated that this was a canopy dependent special concern species, and that it was important to maintain as much shrub growth in the vicinity as possible and that survey of existing undergrowth would be beneficial.
- Population is located approximately 20 feet from the outside edge of the clearing limits in a riparian area.
- MG stated that a riparian buffer with taller non-capable vegetation outside of the wire zone would be maintained and that hand cutting could be implemented within proximity to the occurrence to prevent heavy equipment impacts.
- DC indicated that being in a hydric regime (proximity to stream and wetlands) would likely mitigate the impacts of canopy disruption for this occurrence.

*Carex siccata (Dry-spike Sedge)*

- All agreed that these populations are likely to not be impacted by construction activities.
- DC stated that flagging and avoidance to the extent practical will be sufficient.
- MNAP noted that poles to be removed should be cut at ground level, soil added, and areas allowed to revegetate.
- DC requested that if disturbance occurs within this habitat, the disturbed area should be raked out (Note: CMP will mulch all disturbances within rare plant species habitat with weed-free straw).

*Houstonia longifolia (Long leaved Bluet)*

- DC stated that this population has been present for quite a while and that flagging the occurrence prior to construction for avoidance and to verify the correct placement of the access road will be sufficient to protect the species.

*Trichophorum clintonii* (Clinton's Bulrush)

- DC stated that this plant prefers open areas (e.g., ROWs) and that flagging and avoidance of the population will be sufficient.

*Galium kamtschaticum* (Boreal Bedstraw)

- Occurrences are outside of the project ROW and will not be impacted by construction.

*Lindernia dubia* var. *anagallidea* (Yellowseed False Pimpernel)

- DC stated that this plant prefers open areas. All agreed that flagging, hand cutting of vegetation and protection of basin where this occurrence is, would be enough to protect the species.

**Natural Community Occurrences:**

*Jack Pine Forest*

- KP stated that this forest is a very rare natural community in the context of its location in northwest Maine and questioned how big the population may be, and how far outside the CMP ROW the community can be found. KP stated that it appeared that 18 acres of the community was mapped in the 300-foot-wide corridor. The extent of the impact may be mitigated by the overall size of the community (Note: clearing within Jack Pine community is approximately 5.5 acres).
- MNAP noted that the purple lesser fritillary, a rare butterfly, may be present here.
- KP stated that clearing impacts may reduce the condition/quality of the community, may lower the rank.
- DC spoke about the need to know the extent of the stand (complete polygon size) and that MNAP needed to and would gather more ground information.

*Hardwood River Terrace Forest (Basswood/Ash/Red Maple Forest) – Livermore Falls*

- KP stated that there is not much knowledge about this specific forest stand and that it appears it does not meet the minimum standards for the Hardwood River Terrace Forest natural community type because it is degraded and below MNAP mapping size criteria.
- MNAP noted that this may be wood turtle habitat.
- MNAP indicated that avoidance/mitigation was not necessary.

*Hardwood River Terrace Forest – Anson*

- KP questioned if there was minimal clearing compared to the larger mapped polygon.
- KP stated that it appears to be a young forest with significant invasive plant species based on the recent Gilman and Briggs survey.
- MD asked about the current rank.
- DC stated that to determine rank MNAP would have to do a more comprehensive ground survey to see the extent of the forest community.

- No avoidance or minimization measures were recommended.

*Enriched Northern Hardwood Forest – Moxie Gore*

- KP stated that it would be beneficial for MNAP to do a more comprehensive ground survey to see the extent and quality of the forest community.
- DC spoke about the need for more ground survey information to put the project clearing in context to the larger mapped community.
- MD spoke about the need for landowner permission.

General Note: MNAP commented that one of the minimization measures for all rare plant and natural community occurrences should be the implementation of an invasive species control plan. MG indicated that CMP intended to develop a pre-construction survey and post-construction monitoring and treatment plan like that implemented on the Maine Power Reliability Program. MNAP noted that if RTE plant surveyors did not observe invasives in greenfield, pre-construction invasives survey was not necessary.

## MEMORANDUM OF CONVERSATION

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**Client:** Central Maine Power Company  
**Project:** New England Clean Energy Connect  
**Contact:** Mark McCollough  
**Agency:** United States Fish and Wildlife  
**Date:** 11/16/2018

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**Discussion:** *Voicemail Message to Jim Morin by Mark McCollough regarding Canada Lynx*

Mark left me a voice message at 1:01 PM on Nov. 15, 2018

To determine the southern extent of my desktop habitat analysis, Mark wanted me to ask the MDIFW for any new track data for the last few years in the towns south of the Section 7 review area. The southern most lynx occurrence data would determine the limit of my desktop habitat analysis.

**MEETING MINUTES**  
**Federal Agency Coordination, Status and Section 7 Consultation Meeting**

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**Contact:** Mark Goodwin  
**Title:** Environmental Manager – Burns & McDonnell  
**Date:** March 19, 2019  
**Time:** 12:30 pm-3:15 pm  
**Location:** Central Maine Power, Augusta, Maine and Teleconference

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**Attendees:**

Gerry Mirabile- Central Maine Power (CMP)  
Jim Boyle- Boyle Associates  
Mark Goodwin- Burns & McDonnell (BMCD)  
Lauren Johnston- Burns & McDonnell (BMCD)  
Jay Clement- United States Army Corps (USACE)  
Wende Mahaney- US Fish and Wildlife Service (USFWS)  
Mark McCollough- US Fish and Wildlife Service (USFWS)  
Anna Harris- US Fish and Wildlife Service (USFWS)  
Melissa Pauley- Department of Energy (DOE)  
Julie Smith- Department of Energy (DOE)  
Mark Kern- US Environmental Protection Agency (EPA)  
Mike Marsh- US Environmental Protection Agency (EPA)  
Beth ? – US Environmental Protection Agency (EPA)

**Purpose:**

Meeting/conference with several federal agencies to review the NECEC permitting status and the federal agencies' process and coordination. The second part of the meeting was specific to Section 7 [Endangered Species Act] consultation and the Biological Assessment preparation.

**General Discussion:**

Gerry Mirabile provided a project overview, reviewed the permit application submittal timelines and agency correspondence to date. He reviewed the upcoming DEP/LUPC hearing, process, potential schedule, and hearing topics.

- A few of the agencies expressed interest in the hearing schedule, particularly with regard to when alternatives would be discussed.
  - Action: The final hearing schedule should be circulated to the agencies that are not on the DEP/LUPC Service List.

Julie Smith expressed concern that CMP needs to be realistic regarding the permitting process timeline and to provide good communication.

- Action: Gerry will follow-up with DOE and try to understand what DOE needs for their review.

Mark Kern asked for guidance on what documents they should review rather than reading everything that is on the MDEP website. He was particularly interested in where the alternatives discussion is located. Jay explained that there have been a series of communications and responses to information requests so information is in multiple locations.

- Action: Circulate the Excel spreadsheet containing the MDEP weblinks to the application submissions since 9/2017.

Jay Clement provided an update and overview of the Corps process:

- The Public Notice will go out next week now that the MDEP hearing is scheduled. The Corps will attend the hearing with the intent of avoiding the need for a duplicative Corps hearing. The Corps has not ruled out the potential of a hearing and the public may request one.
- PN has a 30 day comment period, however comments will likely be accepted and considered after the 30 day period. Comments will be forwarded to CMP and can be rebutted by CMP; the Corps may ask CMP for additional information based on those comments.
- Process in working toward NEPA compliance. Various consultations- Section 106, Section 7, essential fish habitat (EFH) consultation (takes a second tier to ESA consultation)
- USACE will do an EA to determine if an EIS is necessary. This is standard for the Corps. Decision is made towards the end of the ACOE review process.

Mark Kern suggested that the Corps put out a draft EA to public comment in lieu of an EIS so that there is not public opposition to not considering an EIS. Jay stated the Corps had never done something like that but would not rule out the option. Jay said he would discuss this with staff in the Concord District Office.

Gerry asked if there is still the expectation that the Corps will issue a permit decision approximately 60 to 90 days after the MDEP. Jay said he could not provide a solid answer, however 90 days is probably more likely.

Gerry discussed the Preliminary JD and whether Section 10 was triggered for the Kennebec River since no work was planned in the river and so no impacts to navigation. Wende mentioned, "In, On, Over, or Under." Wende seemed uncertain as to how "under" is defined/determined; she laughed and said "good question". Jay said that he will review it, however if it is jurisdictional there are no additional review criteria beyond those considered under Section 404.

Wende asked if more information would be provided for the preservation parcels. Gerry noted that this was provided as an attachment to the Compensation Plan. The spreadsheet with the MDEP links would provide the location where that could be found.

Jay said that he had asked for a pretty robust compensation plan, and that he thinks we're there, but this could change.

Mark Kern discussed the following:

- The 2016 Mitigation Guidance and the changes that document included. Mark asked if Jay and Ruth were comfortable with what was provided for mitigation and compensation. Jay said he is fine with the assessment and information. Jay thinks that "we are there with the level of compensation provided." In other words, Jay indicated he is satisfied with the plan.
- He asked if the alternatives analysis considered the option of burying the line along existing roadways. Gerry responded that the initial analysis focused on aerial routes because

undergrounding was cost prohibitive. The evaluation will be expanded in CMP's rebuttal testimony addressing these concerns raised by intervenors and will address impacts, constructability, cost etc.

- Action: Mark Kern and others would like the underground rebuttal testimony sent directly to him.
- For the underground alternatives analysis that will be provided in the rebuttal testimony, the agencies requested a comparison of burial costs to overall project costs, but minus the cost of any compensation or mitigation that is unnecessary due to undergrounding.
- Mark Kern asked if the alternatives analysis considers other border crossing locations. He asked if CMP considered moving it closer to an existing roadway. He noted that Route 27 crosses the Canadian border within 12 miles of the proposed crossing. He also noted that Route 201 crosses as well but further away from the existing crossing. Gerry responded that he recalls that CMP was provided by Hydro Quebec with a 20km crossing area along the Canada border within which the transmission line would need to be located.
  - Action: The request for additional alternative information should be considered in CMP's rebuttal testimony.

Melissa Pauley noted that an alternative analysis for the crossing location is not required by the DOE. She wants to confirm that the current design they have for the border crossing is accurate. She explained that the DOE's jurisdiction is generally limited to that area within 100 feet of the Canada border. This is a different/more limited jurisdictional approach than previously taken by DOE.

- Action: Confirm Melissa has the correct border crossing location and design.

Jay asked Melissa if the Presidential Permit considers what goes on in Canada. She said it does not. The USACE and DOE mentioned that they had been contacted by Stacy Laughton and Steve Kasprzak inquiring about the Canadian side of the project.

The discussion moved to Section 7 consultation and the Biological Assessment.

#### Biological Assessment

- Mark G. stated that the BA is about 40% complete with the final version expected late May or early June.
- Jay stated that the longer it takes to get the BA finalized there could be a delay. Add 135 days to when it has been submitted for formal consultation.
- Mark M. encouraged us to provide data prior to submission so there is not a lot back and forth.
- Jay said he will not be able to determine whether formal or informal consultation is needed until he sees the draft BA, because the effects determination will be based on the BA.

#### Northern Long Eared Bat

- Gerry asked what would warrant extended time of year restriction (TOYR) for tree clearing. Jay said that TOYR are best management practices are voluntary, however the larger the impacts the less discretion the Corps has in applying it. Ideally no clearing would occur in June and July. It is preferable to restrict clearing to between mid-October to mid-April (winter clearing). Winter clearing should be prioritized, however if clearing must take place outside the mid-October to mid-April period then no clearing should occur in June and July.
- Mark G. mentioned that we will have the revised total of forest clearing this afternoon.
- Jay asked for some correspondence recommitting TOYR in the VCP and CMP intends on doing that after the MDEP hearing process was concluded. Jay was comfortable with that.

- Will the TOYR apply to maintenance practices in the VMP? A general discussion occurred. Most of the maintenance is going to be shrubby species however some areas will have larger trees due to commitments made to the MDEP and MDIFW. Maintenance of these areas may involve larger tree removal and will occur on a 4 year maintenance cycle. CMP should continue discussion with the Corps as to whether the TOYR will apply to maintenance of these areas. This discussion and proposal should be incorporated into the BA. Jay is an advocate for “no tree clearing during June and July,” however he doesn't have a position about maintenance at this point. Jay requested that we provide him some rough acreage for areas to be periodically “tapered” as well as larger tree clearing related to maintenance activities, and that these be included in the BA.
  - Action: Provide Jay the acreage of the tapered vegetation for this consideration.

#### Canada lynx

- BMCD has completed cover type mapping using Mark M's guidance.
- Jen Vashon provided BMCD with Lynx occurrence data and BMCD determined the southernmost boundary is in Starks. Mark M. wanted to know how far away from the project did the occurrence data include. He advised that a township on either side of the corridor should be considered. The BA should look at where lynx are known to occur along the northern portion of the transmission line as well and should provide this information.
- Jim Morin identified different quality habitat types and BMD has calculated the acres of clearing by habitat quality type in both excel spreadsheet format and kmz. BMCD intends to provide it to Mark M. for review.
- Mark M. asked that BMCD break the habitat out further and report clearing impacts within the designated critical habitat area and within the extended Section 7 consultation area.
- The BA should document well how the stands were delineated.
- Jay asked if we should consider field survey. Mark M. did not suggest that we need survey. We should assume they occur and use the MDIFW occurrence data as the southern- most boundary.
- The BA should address revegetation and vegetation management and how that may or may not affect lynx.

#### Atlantic salmon

- Salmon should be addressed in the BA, however there is not much of a concern due to proposed construction practices (except culvert replacements).
- There was a discussion of whether the culvert replacement proposals would trigger full consultation. We should address that in the BA. The culvert projects are not known at this time, however CMP intends to start by reviewing databases maintained by NGO's and Stream viewer to identify potential projects.
- A Corp permits will be required for specific culvert replacement projects. Is this separate from the existing Corp permit? There could be an option of using the USFWS programmatic agreement as a permit condition. Wende noted that this may be easiest solution.
  - Action: Review Programmatic Agreement  
<http://atlanticsalmonrestoration.org/projects/stream-crossing-project>
- Perhaps we avoid culvert replacement projects on salmon streams. Wende says this may be a missed opportunity. Jay suggests that maybe permit condition to the effect of: “relative to these monies, if a site is identified in salmon critical habitat, a corps permit will be required....” No firm decision made on this. The future money holder would need to apply for the Corps permit, which would not necessarily be CMP.
- Jay suggested setting up a conference call with MDIFW to discuss.

- Action: Continue discussion regarding in-stream work related to culvert replacements and schedule a meeting with USACE and MDIFW.
- The BA should include a typical figure of a temporary stream crossing, discussion of buffers and what occurs in them. There should be a discussion of loss of shading, increased water temperatures, etc.
- Mark G. noted that generally for each species we will evaluate impacts and mitigation measures for each construction sequence and habitat.

#### Small whorled pogonia

- CMP's current, proposed alignment avoids cutting in the area of the SWP.
- Gerry said CMP is evaluating other options for design and that they are considering preservation of the parcel that contains the surveyed SWP if other SWP can be found on the same parcel and preserved. The potential tradeoff would be a return to the original transmission line alignment which would involve clearing the 75 feet needed, leaving a 12 foot wooded buffer between the transmission line corridor and the SWP.
- Generally, Mark M. was amenable to this idea and would like to talk with Don Cameron at Maine Natural Areas Program (MNAP) regarding survey timing. CMP intends to meet with MNAP on Thursday to discuss.
- Mark M. discussed three other known locations of SWP in Maine . He said there might be an opportunity for CMP to work with MNAP and The Nature Conservancy to preserve those properties as compensation.

#### Mark M. had the following questions:

- Are there comments from intervenors regarding Atlantic salmon?
  - Action: Send CMP rebuttal regarding Atlantic salmon to USFWS.

#### Mark M. discussed bald and golden eagle surveys.

- There have not been surveys initiated by CMP yet.
- February 2020 is the anticipated construction start date.
- Survey this spring prior to construction.
- Right now is ideal time to conduct a survey, however the latest dates are mid-April for the southern section and first week and May for the northern section.
- A quarter mile on either side of the corridor should be surveyed.
  - Action: Schedule eagle surveys asap.

#### Summary of Action Items:

- The final hearing schedule should be circulated to the agencies that are not on the DEP/LUPC Service List.
- Gerry will follow-up with DOE and try to understand what DOE needs for their review.
- Circulate the Excel spreadsheet containing the MDEP weblinks to the application submissions.
- Send Mark Kern and others the underground rebuttal testimony directly.
- The request for additional alternative information should be considered in CMP's rebuttal testimony.
- Confirm Melissa has the correct border crossing location and design.
- Provide Jay the acreage of the tapered vegetation for this consideration.

- Continue discussion regarding in-stream work related to culvert replacements and schedule a meeting with USACE and MDIFW.
- Send CMP rebuttal regarding Atlantic salmon to USFWS.
- Schedule eagle surveys.

## **Asali, Natasha**

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**From:** McCollough, Mark <mark\_mccollough@fws.gov>  
**Sent:** Wednesday, March 20, 2019 9:37 AM  
**To:** Johnston, Lauren A; Goodwin, Mark; Don Cameron  
**Subject:** Small whorled pogonia survey timing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Lauren and Mark:

Thanks for the informative meeting with CMP yesterday. During the meeting Gerry asked how early surveys could be conducted for small whorled pogonia. Ideal timing is mid-June. I know I said mid-May yesterday, but Don Cameron felt that some plants may not have emerged by then. You can discuss further in your meeting with MNAP tomorrow. I will be unable to attend, but look forward to hearing more about options at the SWP site in Greene.

thanks, Mark McCollough

--

**Mark McCollough, Ph.D.**  
**Endangered Species Specialist**  
**US Fish and Wildlife Service**  
**Maine Fish and Wildlife Service Complex**

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**Maine Field Office**  
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## Asali, Natasha

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**From:** McCollough, Mark <mark\_mccollough@fws.gov>  
**Sent:** Friday, April 5, 2019 9:38 AM  
**To:** Morin, James  
**Cc:** Goodwin, Mark; Mirabile, Gerry J.; Johnston, Lauren A; Jim Boyle (jboyle@boyleassociates.net); Jay L. Clement - USACOE (jay.l.clement@usace.army.mil); Wende Mahaney  
**Subject:** Re: [EXTERNAL] Guidance and protocols for the Canada Lynx habitat desktop analysis

Jim:

My apologies for not getting back to you sooner. We have had a busy schedule the last two weeks.

I received your information and phone message. Thank you for all the work you have done in compiling this information. I reviewed the Excel table and kmz maps. They were very useful and will form the basis for the Biological Assessment. A few requests and/or suggestions:

1). The lynx critical habitat includes several primary constituent elements (per the regulation that designates the critical habitat) including habitat for snowshoe hares (that you have already delineated - present and future) and matrix habitat (forested habitat that lynx can easily move through to access feeding, denning, and their home range). The data are all available from your delineations. We suggest summarizing the effects to lynx habitat in the following way to capture all of the primary constituent elements of critical habitat:

	Current high quality hare habitat	Future high quality hare habitat	Total hare habitat (current + future)	Matrix habitat (all other forested habitat)	Non-habitat (lakes, roads, open wetlands)	Total
Within the critical habitat only						865 a
In the USFWS section 7 review area outside of the critical habitat						352 a
Outside of the USFWS section 7 review area (but still near lynx observations)						137 a
Total footprint of cleared forest in the range of lynx						1335 a

2. Can you please provide a description of the stand types? I am familiar with the designations, but particularly want to confirm that young (recently cut <10 years) softwood-dominated stands are being tabulated as future lynx habitat. Also, cedar swamps and cedar-dominated forested wetlands are delineated and tabulated under mature softwood, correct? All other forest types should be considered matrix habitat.

3. Thanks for working with MDIFW to compile the lynx occurrences near the project area. This is very helpful.

I think this is all for now. In addition to the information above, the BA should document the various activities and timing of activities associated with the project construction and operation and their anticipated effects on lynx. Revegetation plans and descriptions should be included along with anticipated short- and long-term effects on lynx and their habitat. Information from the scientific literature should be provided to assess whether the corridor is anticipated to affect lynx movements. Effects from the loss of habitat should be considered based on the information you obtained on lynx occurrences and effects relative to average lynx home ranges in Maine. Your analysis provided above will provide the basis of overall effects to lynx habitat and whether the project adversely modifies the designated critical habitat. The Corps will use the BA to make a determination whether all effects are not likely to adversely affect (NLAA) or will adversely affect lynx. A NLAA determination is informal consultation that should not take long to complete if the BA is thorough. A determination of adverse effects would result in a formal consultation between the Corps and Service and the Service writing a biological opinion. In our last meeting, we mentioned that a formal consultation could last as long as 135 days after the Corps initiates the consultation process. A good BA will facilitate informal or formal consultation.

Let me know if you have questions or want to discuss.

Thanks again for all the work you have done.

Mark McCollough

On Mon, Mar 25, 2019 at 8:56 AM Morin, James <[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com)> wrote:

Mark,

In November of last year I consulted with you on the methodology for mapping and analyzing High Quality Snowshoe Hare/Canada Lynx habitat on the New England Clean Energy Connect Project (See email chain below).

As part of my lynx/hare habitat analysis I've delineated the forest into stand types along the NECEC corridor in the Critical Habitat area and the Section 7 review area. I've also extended my delineations to the Stark/Industry town line, as being the southernmost point for my habitat analysis based on lynx observation data obtained from Jen Vashon/MDIFW (see attached lynx observations kmz). I used the forest stand data supplied to CMP by Weyerhaeuser as the basis for my delineation work in the Critical Habitat area. South of the Critical Habitat Area I delineated polygons to the Starks/Industry town line using high quality color aerial imagery from Google Earth. The attached CanadaLynx 3\_21\_19 kmz reflects the delineation work and has different layers that can be turned on and off to show the quality habitat sites/forest stands I identified in the Critical Habitat area, the Section 7 review area, and outside the Section 7 review from Across Town Road in Embden to the Starks/Industry town line.

There are different color codes (shade) in the kmz for each of the following:

- Purple shade for Current High Quality Snowshoe Hare Habitat (S3D, S3C, S4D, S4C, SH3D, SH3C, SH4D, SH4C)

- Green shade for Future High Quality Snowshoe Hare Habitat (S2D, S2C, S2B, S1A, S5D, S5C, SH2D, SH2C, SH5D, SH5C)

Attached also find a spreadsheet that includes seven tabs. The first tab is a summary of the amount of acres that will be impacted in the Critical Habitat Area, the Section 7 review area (which also includes the Critical Habitat Area), and the area south of the Section 7 review area to the town of Starks. The second tab defines the forest stand delineation codes. The third tab is a list of all the quality groups/forest stands from the Canada boarder to the Starks/Industry town line. The fourth tab is just the forest stands within the Critical Habitat Area. The fifth tab is just the forest stands in the Section 7 review area (this includes the Critical Habitat Area). The sixth tab is the area outside the Section 7 review area to the Starks/Industry town line. The final seventh tab is all the sites combined.

This information provided is the foundation of our lynx/hare habitat analysis.

We appreciate your review, comments, and suggestions on how this data should be utilized to maximize its value in determining potential effects.

Please call me to discuss with questions if needed.

Thanks,

Jim

**James P. Morin, LF\***, CPESC \ Burns & McDonnell

Sr. Environmental Scientist \ Forester

**Office** 207-808-4924 \ **Mobile** 207-229-6752

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**From:** McCollough, Mark <[mark\\_mccollough@fws.gov](mailto:mark_mccollough@fws.gov)>

**Sent:** Tuesday, November 06, 2018 4:17 PM

**To:** Morin, James <[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com)>; Goodwin, Mark <[magoodwin@burnsmcd.com](mailto:magoodwin@burnsmcd.com)>; Johnston, Lauren A <[la Johnston@burnsmcd.com](mailto:la Johnston@burnsmcd.com)>; 'gerry.mirabile@cmpco.com' ([gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)) <[gerry.mirabile@cmpco.com](mailto:gerry.mirabile@cmpco.com)>

**Cc:** Mahaney, Shawn B NAE <[Shawn.B.Mahaney@usace.army.mil](mailto:Shawn.B.Mahaney@usace.army.mil)>; Anna Harris <[anna\\_harris@fws.gov](mailto:anna_harris@fws.gov)>

**Subject:** Re: [EXTERNAL] Guidance and protocols for the Canada Lynx habitat desktop analysis

Hi Jim:

We don't have a white paper on techniques on how to map and quantify lynx habitat. Consultants have used different sources (forest company stand maps, 3D aerial photo interpretation, Erin Simons' UMaine lynx habitat model) and different methods to map and quantify habitat. Hopefully, the following provides enough guidance regardless of the data source. The methods you will use are similar to what we have requested for wind power projects (including their transmission corridors) in the past. Feel free to call if you wish to discuss ideas.

1. Ideally habitat should be mapped and quantified (acres impacted/cleared) by the following categories to address effects to lynx and their critical habitat:

- current high quality snowshoe hare habitat - dense, young (12-40 year old ~12-40-foot), predominantly (>50%) mixed wood or pure softwood (spruce-fir types) stands
- future high quality snowshoe hare habitat - all other predominantly (>50%) mixed wood or pure softwood (spruce-fir types) stands <12-years old >40-years old
- matrix forest habitat - all other forest types including mixed wood (<50% softwood) and pure hardwood stands regardless of age
- all other land types (e.g. water, wetlands, roads, etc.)

If you are using Weyerhaeuser stand maps, it is essential to develop a cross-walk between their stand types and assign them to the three categories of lynx habitat above. Feel free to run your cross-walk with us. We would be glad to comment.

If you are mapping habitat using 3D aerial photo interpretation you should use your best professional judgement to classify stands into the aforementioned types.

Regardless of method(s) used, please explain the methods well in the BA. Include crosswalks with stand maps, explain photo interpretation methods, etc. in the appendices.

### How to present the information:

- We suggest that maps of lynx habitat depicting the three habitat types be included in the Biological Assessment.
- The maps should show the stand information or aerial photography on 500 feet on either side of the corridor. Habitat need only be delineated and quantified within the transmission line corridor that will be cleared. However, the larger view helps provide context and a better understanding of how the snowshoe hare/lynx habitat within the cleared corridor is juxtaposed with adjacent habitat.
- The acres of each of the three habitats to be cleared should be summarized for a) the entire project, b) by township, c) within the designated lynx critical habitat, and d) outside of the designated lynx critical habitat.

I don't believe we have determined the southernmost town to conduct the lynx habitat analysis. We should agree on the area where lynx habitat will be mapped and quantified. To start, we have a section 7 review area that we share with Federal agencies (see attached). We suggest at least including towns in the section 7 review area map in your analysis.

We suggest that you contact Jen Vashon (lynx and bear biologist) at Maine Inland Fisheries and Wildlife. They have completed lynx snow track surveys in Maine for the last decade or so. They may know of towns south of this section 7 review area that may have lynx. If so, these towns should also be included in the analysis. Also, any point location of documented lynx occurrences in townships where the corridor will pass should be mapped and included in the BA. We have some information in our GIS that we could share with you, but it is not up to date. Jen Vashon and MDIFW have the most recent lynx occurrence data from various sources (snow track surveys, animals incidentally caught in traps, road mortality, radio-tag locations, etc.).

I think this guidance should be enough to get you started. Let me know if you wish to discuss further or want to check in from time to time as you are working on the analysis.

Thanks, Mark McCollough

On Tue, Nov 6, 2018 at 2:20 PM Morin, James <[jmorin@burnsmcd.com](mailto:jmorin@burnsmcd.com)> wrote:

Mark,

I am working with Mark Goodwin/Burns & McDonnell on the NECEC project and we are in the lengthy process of compiling all necessary information for the Biological Assessment. As part of the Canada lynx assessment section I am currently reviewing the forest stand data recently received from Weyerhaeuser (land management company) for the northern section of the project. However, there are sections along the northern corridor in the critical habitat area, as well as the Section 7 review area, where there is no forest stand data available. To fill in these gaps we will need to conduct our own desktop analysis using aerial imagery. It was noted in the June 7, 2017 agency meeting minutes that

the USFWS would be able to provide guidance and protocols for this desktop analysis. I am reaching out to you for this guidance. If there is a specific methodology the USFWS requires for Canada lynx habitat desktop analysis that you could email me it would be greatly appreciated. Otherwise, I would be happy to discuss your thoughts on this matter at your earliest convenience.

It would also be helpful to know if winter track field surveys are likely needed to support the BA.

Thanks,

Jim

**James P. Morin, LF\*, CPESC** \ Burns & McDonnell

Sr. Environmental Scientist \ Forester

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**US Fish and Wildlife Service**  
**Maine Fish and Wildlife Service Complex**

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**P.O. Box A (mailing address)**  
**306 Hatchery Road (physical address)**  
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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Maine Ecological Services Field Office

P. O. Box A

East Orland, ME 04431

Phone: (207) 469-7300 Fax: (207) 902-1588

<http://www.fws.gov/mainefieldoffice/index.html>



In Reply Refer To:

May 29, 2019

Consultation Code: 05E1ME00-2017-SLI-0579

Event Code: 05E1ME00-2019-E-01897

Project Name: New England Clean Energy Connect

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

#### To Whom It May Concern:

The enclosed species list identifies the threatened, endangered, candidate, and proposed species and designated or proposed critical habitat that may occur within the boundary of your proposed project or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC Web site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the Endangered Species Consultation Handbook at: <http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

This species list also identifies candidate species under review for listing and those species that the Service considers species of concern. Candidate species have no protection under the Act but are included for consideration because they could be listed prior to completion of your project. Species of concern are those taxa whose conservation status is of concern to the Service (i.e., species previously known as Category 2 candidates), but for which further information is needed.

If a proposed project may affect only candidate species or species of concern, you are not required to prepare a Biological Assessment or biological evaluation or to consult with the Service. However, the Service recommends minimizing effects to these species to prevent future conflicts. Therefore, if early evaluation indicates that a project will affect a candidate species or species of concern, you may wish to request technical assistance from this office to identify appropriate minimization measures.

Please be aware that bald and golden eagles are not protected under the Endangered Species Act but are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). Projects affecting these species may require development of an eagle conservation plan: [http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html) Information on the location of bald eagle nests in Maine can be found on the Maine Field Office Web site: <http://www.fws.gov/mainefieldoffice/Project%20review4.html>

Additionally, wind energy projects should follow the wind energy guidelines: <http://www.fws.gov/windenergy/> for minimizing impacts to migratory birds and bats. Projects may require development of an avian and bat protection plan.

Migratory birds are also a Service trust resource. Under the Migratory Bird Treaty Act, construction activities in grassland, wetland, stream, woodland, and other habitats that would result in the take of migratory birds, eggs, young, or active nests should be avoided. Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g.,

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cellular, digital television, radio, and emergency broadcast) can be found at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm> and at:  
<http://www.towerkill.com>; and at:  
<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Maine Ecological Services Field Office**

P. O. Box A

East Orland, ME 04431

(207) 469-7300

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## Project Summary

Consultation Code: 05E1ME00-2017-SLI-0579

Event Code: 05E1ME00-2019-E-01897

Project Name: New England Clean Energy Connect

Project Type: TRANSMISSION LINE

Project Description: Proposed CMP transmission line from Beattie Township to Pownal and Windsor to Wiscasset.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/44.722717009714806N70.03484380339984W>



Counties: Androscoggin, ME | Cumberland, ME | Franklin, ME | Kennebec, ME | Lincoln, ME  
| Sagadahoc, ME | Somerset, ME

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## Endangered Species Act Species

There is a total of 4 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Fishes

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> Population: Gulf of Maine DPS There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2097">https://ecos.fws.gov/ecp/species/2097</a>	Endangered

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## Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a>	Threatened

## Critical habitats

There are 2 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Atlantic Salmon <i>Salmo salar</i> <a href="https://ecos.fws.gov/ecp/species/2097#crithab">https://ecos.fws.gov/ecp/species/2097#crithab</a>	Final
Canada Lynx <i>Lynx canadensis</i> <a href="https://ecos.fws.gov/ecp/species/3652#crithab">https://ecos.fws.gov/ecp/species/3652#crithab</a>	Final